AMENDMENTS TO ASSEMBLY BILL NO. 2847

Amendment 1

In the title, in line 1, strike out "Section 2929.3 of" and insert:

Sections 1945, 1946, and 1951.3 of, and to add Section 1951.35 to,

Amendment 2

In the title, strike out line 2 and insert:

real property.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 1945 of the Civil Code is amended to read:

1945. ~~If~~ (a) Except as specified in subdivision (b), if a lessee of real property remains in possession thereof after the expiration of the hiring, and the lessor accepts rent from ~~him,~~ the lessee, the parties are presumed to have renewed the hiring on the same terms and for the same time, not exceeding one month when the rent is payable monthly, nor in any case one year.

(b) If a lessee of commercial real property remains in possession thereof after the expiration of the hiring, the lessor's acceptance of rent from the lessee does not renew the hiring but instead only mitigates any damage that the lessor may incur by reason of the lessee's failure to leave on time. For purposes of this section, "commercial real property" has the same meaning as that term is defined in subdivision (d) of Section 1954.26.

SEC. 2. Section 1946 of the Civil Code is amended to read:

1946. (a) A hiring of real property, for a term not specified by the parties, is deemed to be renewed as stated in subdivision (a) of Section 1945, at the end of the term implied by law unless one of the parties gives written notice to the other of his or her intention to terminate the same, at least as long before the expiration thereof as the term of the hiring itself, not exceeding 30 days; provided, however, that as to tenancies from month to month either of the parties may terminate the same by giving at least 30 days' written notice thereof at any time and the rent shall be due and payable to and including the date of termination. It shall be competent for the parties to provide by an agreement at the time the tenancy is created that a notice of the intention to terminate the same may be given at any time not less than seven days before the expiration of the term thereof. The notice herein required shall be given in the manner prescribed in Section 1162 of the Code of Civil Procedure or by sending a copy by certified or registered mail addressed to the other party. In addition, the lessee may give the notice by sending a copy by certified or registered mail addressed to the agent of the lessor to whom the lessee has paid the rent for the month prior to the date of the

notice or by delivering a copy to the agent personally. The notice given by the lessor shall also contain, in substantially the same form, the following:

"State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that property belonging to you was left behind after you moved out."

(b) This section does not apply to commercial real property.

SEC. 3. Section 1951.3 of the Civil Code is amended to read:

1951.3. (a) This section applies to real property other than commercial real property, as defined in subdivision (d) of Section 1954.26.

~~(a)~~

(b) Real property shall be deemed abandoned by the lessee, within the meaning of Section 1951.2, and the lease shall terminate if the lessor gives written notice of ~~his~~ belief of abandonment as provided in this section and the lessee fails to give the lessor written notice, prior to the date of termination specified in the lessor's notice, stating that ~~he~~ the lessee does not intend to abandon the real property and stating an address at which the lessee may be served by certified mail in any action for unlawful detainer of the real property.

~~(b)~~

(c) The lessor may give a notice of belief of abandonment to the lessee pursuant to this section only where the rent on the property has been due and unpaid for at least 14 consecutive days and the lessor reasonably believes that the lessee has abandoned the property. The date of termination of the lease shall be specified in the lessor's notice and shall be not less than 15 days after the notice is served personally or, if mailed, not less than 18 days after the notice is deposited in the mail.

~~(c)~~

(d) The lessor's notice of belief of abandonment shall be personally delivered to the lessee or sent by first-class mail, postage prepaid, to the lessee at his last known address and, if there is reason to believe that the notice sent to that address will not be received by the lessee, also to ~~such other address, if any,~~ any other address known to the lessor where the lessee may reasonably be expected to receive the notice.

~~(d)~~

(e) The notice of belief of abandonment shall be in substantially the following form:

Notice of Belief of Abandonment

To: _____
(Name of lessee/tenant)

_____
(Address of lessee/tenant)

This notice is given pursuant to Section 1951.3 of the Civil Code concerning the real property leased by you at _____ (state location of the property by address or other sufficient description). The rent on this property has been due and unpaid for 14 consecutive days and the lessor/landlord believes that you have abandoned the property.

The real property will be deemed abandoned within the meaning of Section 1951.2 of the Civil Code and your lease will terminate on _____ (here insert a date not less than 15 days after this notice is served personally or, if mailed, not less than 18 days after this notice is deposited in the mail) unless before ~~such~~ that date the ~~under signed~~ lessor/landlord receives at the address indicated below a written notice from you stating both of the following:

(1) Your intent not to abandon the real property.

(2) An address at which you may be served by certified mail in any action for unlawful detainer of the real property.

You are required to pay the rent due and unpaid on this real property as required by the lease, and your failure to do so can lead to a court proceeding against you.

Dated: _____ _____
(Signature of lessor/landlord)

_____
(Type or print name of lessor/landlord)

_____
(Address to which lessee/tenant is to send notice)

~~(e)~~

(f) The real property shall not be deemed to be abandoned pursuant to this section if the lessee proves any of the following:

(1) At the time the notice of belief of abandonment was given, the rent was not due and unpaid for 14 consecutive days.

(2) At the time the notice of belief of abandonment was given, it was not reasonable for the lessor to believe that the lessee had abandoned the real property. The fact that the lessor knew that the lessee left personal property on the real property does not, of itself, justify a finding that the lessor did not reasonably believe that the lessee had abandoned the real property.

(3) ~~Prior to~~ Before the date specified in the lessor's notice, the lessee gave written notice to the lessor stating his or her intent not to abandon the real property and stating an address at which he or she may be served by certified mail in any action for unlawful detainer of the real property.

(4) During the period ~~commencing~~ beginning 14 days before the time the notice of belief of abandonment was given and ending on the date the lease would have terminated pursuant to the notice, the lessee paid to the lessor all or a portion of the rent due and unpaid on the real property.

~~(f)~~

(g) Nothing in this section precludes the lessor or the lessee from otherwise proving that the real property has been abandoned by the lessee within the meaning of Section 1951.2.

~~(g)~~

(h) Nothing in this section precludes the lessor from serving a notice requiring the lessee to pay rent or quit as provided in Sections 1161 and 1162 of the Code of Civil Procedure at any time permitted by those sections, or affects the time and manner of giving any other notice required or permitted by law. The giving of the notice provided by this section does not satisfy the requirements of Sections 1161 and 1162 of the Code of Civil Procedure.

SEC. 4. Section 1951.35 is added to the Civil Code, immediately following Section 1951.3, to read:

1951.35. (a) This section applies only to commercial real property, as defined in subdivision (d) of Section 1954.26.

(b) Commercial real property shall be deemed abandoned by the lessee within the meaning of Section 1951.2 and the lease shall terminate if the lessor gives written notice of belief of abandonment pursuant to subdivision (c) and, prior to the date of termination specified in the lessor's notice of belief of abandonment, the lessee fails to give the lessor written notice stating that the lessee does not intend to abandon the commercial real property and provides an address at which the lessee may be served by certified mail in an action for unlawful detainer of real property.

(c) The lessor may give notice of belief of abandonment pursuant to this section only if the rent on the property has been due and unpaid for at least the number of days required for the lessor to declare a rent default under the terms of the lease and the lessor reasonably believes that the lessee has abandoned the property. The date of termination of the lease shall be specified in the notice and shall be not less than 15 days after the notice is served personally, sent to the lessee by an overnight courier service, or deposited in the mail.

(d) The lessor's notice of belief of abandonment shall be personally delivered to the lessee, sent by a recognized overnight carrier, or sent by first-class mail, postage prepaid, to the lessee at the lessee's last known address, and, if there is reason to believe that the notice sent to that address will not be received by the lessee, also to any other address known to the lessor where the lessee may reasonably be expected to receive the notice.

(e) The notice of belief of abandonment shall be in substantially the following form:

Notice of Belief of Abandonment

To: _____
(Name of lessee/tenant)

_____
(Address of lessee/tenant)

This notice is given pursuant to Section 1951.35 of the Civil Code concerning the real property leased by you at _____ (state location of the property by address or other sufficient description). The rent on this property has been due and unpaid for the number of days necessary to declare a rent default under your lease and the lessor/landlord believes that you have abandoned the property.

The real property will be deemed abandoned within the meaning of Section 1951.2 of the Civil Code and your lease will terminate on _____ (here insert a date not less than 15 days after this notice is served personally, sent by overnight courier service, or deposited in the mail) unless before that date the lessor/landlord receives at the address below a written notice from you stating both of the following:

(1) Your intent not to abandon the real property.

(2) An address at which you may be served by certified mail in any action for unlawful detainer of the real property.

You are required to pay the rent due and unpaid on this real property as required by the lease, and your failure to do so can lead to a court proceeding against you.

Dated: _____

_____
(Signature of lessor/landlord)

_____
(Type or print name of lessor/landlord)

_____
(Address to which lessee/tenant is to send notice)

(f) The real property shall not be deemed to be abandoned pursuant to this section if the lessee provides any of the following:

(1) At the time the notice of belief of abandonment was given, the rent was not due and unpaid for the time period necessary to declare a rent default under the lessee's lease.

(2) At the time the notice of belief of abandonment was given, it was not reasonable for the lessor to believe that the lessee had abandoned the real property. The fact that the lessor knew that the lessee left personal property on the real property does not, by itself, justify a finding that the lessor did not believe that the lessee had abandoned the real property.

(3) Before the date specified in the lessor's notice, the lessee gave written notice to the lessor stating the lessee's intent not to abandon the real property and provided

an address at which the lessee may be served by certified mail in an action for unlawful detainer of real property.

(4) During the period beginning at the start of the applicable rent default period and ending on the date the lease would have terminated pursuant to the notice, the lessee paid to the lessor all or a portion of the rent due and unpaid on the real property.

(g) Nothing in this section precludes the lessor or the lessee from otherwise proving that the real property has been abandoned by the lessee within the meaning of Section 1951.2.

(h) Nothing in this section precludes the lessor from serving a notice requiring the lessee to pay rent or quit as provided in Section 1161 or 1162 of the Code of Civil Procedure at any time permitted by those sections, or affects the time and manner of giving any other notice required or permitted by law. Giving notice pursuant to this section does not satisfy the requirements of Section 1161 or 1162 of the Code of Civil Procedure.

Amendment 4

On page 1, strike out lines 1 to 7, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 2848

Amendment 1
In the title, in line 1, strike out "9610" and insert:

13119

Amendment 2
In the title, strike out line 2 and insert:

elections, and declaring the urgency thereof, to take effect immediately.

Amendment 3
On page 1, before line 1, insert:

SECTION 1. Section 13119 of the Elections Code is amended to read:

13119. (a) The ballots used when voting upon a measure proposed by a local governing body or submitted to the voters as an initiative or referendum measure pursuant to Division 9 (commencing with Section 9000), ~~including a measure authorizing the issuance of bonds or the incurrence of debt,~~ shall have printed on them the words "Shall the measure (stating the nature thereof) be adopted?" Opposite the statement of the measure to be voted on, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If a voter stamps a cross (+) in the voting square after the printed word "Yes," his or her vote shall be counted in favor of the adoption of the measure. If he or she stamps a cross (+) in the voting square after the printed word "No," his or her vote shall be counted against its adoption.

(b) If the proposed measure imposes a tax or raises the rate of a tax, except a proposed measure authorizing the issuance of bonds, the ballot shall include in the statement of the measure to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied.

(c) The statement of the measure shall be a true and impartial synopsis of the purpose of the proposed measure, and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure.

(d) For purposes of this section, "local governing body" means the governing body of a city, county, city and county, including a charter city or charter county, or district, including a school district.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that local ballot labels are clarified to provide voters with the most accurate information for the November 2018 statewide general election, it is necessary for this act to take effect immediately.

Amendment 4
On page 1, strike out lines 1 and 2 and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2863

Amendment 1

In the title, in line 1, strike out "amend Section 4073 of" and insert:

add Section 4445 to

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 4445 is added to the Business and Professions Code, to read:

4445. (a) A contract entered into or renewed on or after January 1, 2019, between a health carrier or a pharmacy benefit manager and a pharmacist or pharmacy may not penalize a pharmacist's or pharmacy's disclosure of any of the following information to a health benefit plan beneficiary purchasing prescription medication:

(1) The cost of the prescription medication to the beneficiary.

(2) The availability of any therapeutically equivalent alternative medications or alternative methods of purchasing the prescription medication that are less expensive than the cost of the prescription medication to the beneficiary, including, but not limited to, paying the cash price.

(b) The maximum amount a health carrier or pharmacy benefit manager may require a health benefit plan beneficiary to pay at the point of sale for a covered prescription medication is the lesser of the following:

(1) The applicable cost-sharing amount for the prescription medication.

(2) The amount the beneficiary would pay for the prescription medication if the beneficiary purchased the prescription medication without using a health benefit plan or any other source of prescription medication benefits or discounts.

(c) A health carrier or pharmacy benefit manager shall not require a pharmacist or pharmacy to charge or collect from a beneficiary a copayment that exceeds the total submitted charges by the network pharmacy. If a beneficiary pays the amount specified in paragraph (2) of subdivision (b) instead of paying the cost-sharing amount for the prescription medication, that amount shall be applied to the beneficiary's deductible and out-of-pocket maximum in the same manner as if the beneficiary had purchased the prescription medication by paying the cost-sharing amount.

Amendment 3

On page 1, strike out lines 1 to 8, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 2867

Amendment 1

In the title, strike out line 1 and insert:

An act to amend Section 1473.7 of the Penal Code, relating to criminal procedure.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1473.7 of the Penal Code is amended to read:

1473.7. (a) A person who is no longer imprisoned or restrained may ~~prosecute~~ file a motion to vacate a conviction or sentence for either of the following reasons:

(1) The conviction or sentence is legally invalid due to a prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere. A finding of prejudicial error may, but need not, include a finding of ineffective assistance of counsel.

(2) Newly discovered evidence of actual innocence exists that requires vacation of the conviction or sentence as a matter of law or in the interests of justice.

(b) (1) A motion pursuant to paragraph (1) of subdivision (a) shall be deemed timely filed ~~with reasonable diligence after the later of the following:~~ at any time in which an individual is no longer imprisoned or restrained.

(2) A motion pursuant to paragraph (1) of subdivision (a) shall be filed with reasonable diligence after the moving party receives either of the following:

~~(1) The date the moving party receives a~~

(A) A notice to appear in immigration court or other notice from immigration authorities that asserts the conviction or sentence as a basis for ~~removal.~~ removal or denial of naturalization.

~~(2) The date~~

(B) Notice that a final removal order has been issued against the moving party, based on the existence of the conviction or ~~sentence, becomes final.~~ sentence that the moving party seeks to vacate.

(c) A motion pursuant to paragraph (2) of subdivision (a) shall be filed without undue delay from the date the moving party discovered, or could have discovered with the exercise of due diligence, the evidence that provides a basis for relief under this section.

(d) All motions shall be entitled to a hearing. At the request of the moving party, the court may hold the hearing without the personal presence of the moving party if counsel for the moving party is present and the court finds good cause as to why the moving party cannot be present. If the prosecution has no objection to the motion, the court may grant the motion to vacate the conviction or sentence without a hearing.

(e) When ruling on the motion:

(1) The court shall grant the motion to vacate the conviction or sentence if the moving party establishes, by a preponderance of the evidence, the existence of any of the grounds for relief specified in subdivision (a).

(2) In granting or denying the motion, the court shall specify the basis for its conclusion.

(3) If the court grants the motion to vacate a conviction or sentence obtained through a plea of guilty or nolo contendere, the court shall allow the moving party to withdraw the plea.

(4) When ruling on a motion under paragraph (1) of subdivision (a), the only finding that the court is required to make is that there was an error that damaged the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere.

(5) The moving party's former defense counsel does not need to be served with notice of a motion made pursuant to paragraph (1) of subdivision (a) unless the motion specifically alleges ineffective assistance of counsel. An order or findings made by the court regarding a motion made pursuant to paragraph (1) of subdivision (a) shall be reported to the state bar only upon an express finding by the court of ineffective assistance of counsel and only if the attorney found to be ineffective was served with notice pursuant to Section 416.90 of the Code of Civil Procedure.

(f) An order granting or denying the motion is appealable under subdivision (b) of Section 1237 as an order after judgment affecting the substantial rights of a party.

Amendment 3

On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2869

Amendment 1

In the title, in line 1, after "act" insert:

to add and repeal Section 53077 of the Education Code,

Amendment 2

In the title, in line 1, strike out "pupil instruction." and insert:

career technical education.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 53077 is added to the Education Code, to read:

53077. (a) The department shall use a portion, the amount of which shall be determined by the department, of grant funding appropriated for the California Career Technical Education Incentive Grant Program to establish a carpenter's preapprenticeship pilot program. The pilot program shall award a grant to school districts, county offices of education, charter schools, or regional occupational centers or programs operated by joint powers authorities that establish a carpenter's preapprenticeship program for high school pupils. The applicant and its carpenter's preapprenticeship program shall satisfy all applicable requirements of this chapter in order to receive the grant.

(b) An applicant's carpenter's preapprenticeship program shall meet all of the following requirements in order to receive a grant under this section:

(1) Curriculum for the program shall be developed specifically for the program.

(2) Career technical education credit shall be awarded to each pupil who completes the program.

(3) The program shall be designed to be completed by pupils while they are in high school.

(c) The department shall commence awarding grants pursuant to this section to applicants by the start of the 2019–20 academic year.

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

Amendment 4

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2873

Amendment 1

In the title, in line 1, strike out "5600 of the Civil Code, relating to common", strike out line 2 and insert:

1939.01 of, and to add Chapter 1.6 (commencing with Section 1939.50) to Title 5 of Part 4 of Division 3 of, the Civil Code, relating to personal vehicle sharing.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1939.01 of the Civil Code is amended to read:

1939.01. For the purpose of this chapter, the following definitions shall apply:

(a) (1) "Rental company" means a person or entity in the business of renting passenger vehicles to the public.

(2) "Rental company" does not include a personal vehicle sharing program, or a private passenger motor vehicle that is engaged in personal vehicle sharing, unless that person or entity otherwise meets the definition of "rental company" for some reason other than participating in or facilitating personal vehicle sharing or a personal vehicle sharing program. For purposes of this paragraph, the terms "personal vehicle sharing" and "personal vehicle sharing program" have the same meaning as defined in Section 11580.24 of the Insurance Code. This paragraph is declaratory of existing law.

(b) "Renter" means any person in a manner obligated under a contract for the lease or hire of a passenger vehicle from a rental company for a period of less than 30 days.

(c) "Additional mandatory charges" means any separately stated charges that the rental company requires the renter to pay to hire or lease the vehicle for the period of time to which the rental rate applies, which are imposed by a governmental entity and specifically relate to the operation of a rental vehicle business, including, but not limited to, a customer facility charge, airport concession fee, tourism commission assessment, vehicle license recovery fee, or other government-imposed taxes or fees.

(d) "Airport concession fee" means a charge collected by a rental company from a renter that is the renter's proportionate share of the amount paid by the rental company to the owner or operator of an airport for the right or privilege of conducting a vehicle rental business on the airport's premises.

(e) "Authorized driver" means all of the following:

(1) The renter.

(2) The renter's spouse, if that person is a licensed driver and satisfies the rental company's minimum age requirement.

(3) The renter's employer or coworker, if he or she is engaged in business activity with the renter, is a licensed driver, and satisfies the rental company's minimum age requirement.

(4) A person expressly listed by the rental company on that renter's contract as an authorized driver.

(f) "Customer facility charge" means any fee, including an alternative fee, required by an airport to be collected by a rental company from a renter pursuant to Section 50474.21 of the Government Code.

(g) "Damage waiver" means a rental company's agreement not to hold a renter liable for all or any portion of any damage or loss related to the rented vehicle, any loss of use of the rented vehicle, or any storage, impound, towing, or administrative charges.

(h) "Electronic surveillance technology" means a technological method or system used to observe, monitor, or collect information, including telematics, Global Positioning System (GPS), wireless technology, or location-based technologies. "Electronic surveillance technology" does not include event data recorders (EDR), sensing and diagnostic modules (SDM), or other systems that are used either:

(1) For the purpose of identifying, diagnosing, or monitoring functions related to the potential need to repair, service, or perform maintenance on the rental vehicle.

(2) As part of the vehicle's airbag sensing and diagnostic system in order to capture safety systems-related data for retrieval after a crash has occurred or in the event that the collision sensors are activated to prepare the decisionmaking computer to make the determination to deploy or not to deploy the airbag.

(i) "Estimated time for replacement" means the number of hours of labor, or fraction thereof, needed to replace damaged vehicle parts as set forth in collision damage estimating guides generally used in the vehicle repair business and commonly known as "crash books."

(j) "Estimated time for repair" means a good faith estimate of the reasonable number of hours of labor, or fraction thereof, needed to repair damaged vehicle parts.

(k) "Membership program" means a service offered by a rental company that permits customers to bypass the rental counter and go directly to the vehicle previously reserved or select an alternate vehicle. A membership program shall meet all of the following requirements:

(1) The renter initiates enrollment by completing an application on which the renter can specify a preference for type of vehicle and acceptance or declination of optional services.

(2) The rental company fully discloses, prior to the enrollee's first rental as a participant in the program, all terms and conditions of the rental agreement as well as all required disclosures.

(3) The renter may terminate enrollment at any time.

(4) The rental company fully explains to the renter that designated preferences, as well as acceptance or declination of optional services, may be changed by the renter at any time for the next and future rentals.

(5) An employee is available at the lot where the renter takes possession of the vehicle, to receive any change in the rental agreement from the renter.

(*l*) "Passenger vehicle" or "vehicle" means a "passenger vehicle" as defined in Section 465 of the Vehicle Code.

(m) "Quote" means an estimated cost of rental provided by a rental company or a third party to a potential customer that is based on information provided by the

potential customer and used to generate an estimated cost of rental, including, but not limited to, potential dates of rental, locations, or classes of vehicle.

(n) "Tourism commission assessment" means the charge collected by a rental company from a renter that has been established by the California Travel and Tourism Commission pursuant to Section 13995.65 of the Government Code.

(o) "Vehicle license fee" means the tax imposed pursuant to the Vehicle License Fee Law (Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code).

(p) "Vehicle registration fee" means any fee imposed pursuant to any provision of Chapter 6 (commencing with Section 9101) of Division 3 of the Vehicle Code or any other law that imposes a fee upon the registration of vehicles in this state.

(q) "Vehicle license recovery fee" means a charge that seeks to recover the amount of any vehicle license fee and vehicle registration fee paid by a rental company for the particular class of vehicle being rented. If imposed, the vehicle license recovery fee shall be separately stated as a single charge in the quote and rental contract.

SEC. 2. Chapter 1.6 (commencing with Section 1939.50) is added to Title 5 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 1.6. PERSONAL VEHICLE SHARING ACT

1939.50. This chapter shall be known, and may be cited as, the Personal Vehicle Sharing Act.

1939.51. For purposes of this chapter:

(a) "Personal vehicle sharing" has the same meaning as defined in Section 11580.24 of the Insurance Code.

(b) "Personal vehicle sharing program" has the same meaning as defined in Section 11580.24 of the Insurance Code.

1939.52. It is the intent of the Legislature in enacting this chapter to establish baseline consumer protection and transparency with regard to personal vehicle sharing transactions. For that reason, the Legislature finds and declares that ensuring those baseline standards is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.

Amendment 3

On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2874

Amendment 1

In the title, in line 1, strike out "Section 1250 of" and insert:

Sections 1255.1, 1255.2, and 1255.25 of, and to add Section 1255.26 to,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1255.1 of the Health and Safety Code is amended to read:

1255.1. (a) Any hospital that provides emergency medical services under Section 1255 shall, as soon as possible, but not later than ~~90~~ 180 days prior to a planned reduction or elimination of the level of emergency medical services, provide notice of the intended change to the state department, the Attorney General, the local government entity in charge of the provision of health services, and all health care service plans or other entities under contract with the hospital to provide services to enrollees of the plan or other entity.

(b) In addition to the notice required by subdivision (a), the hospital ~~shall, within the time limits specified in subdivision (a), provide~~ shall provide, at the same time as the notice specified in subdivision (a), public notice of the intended change in a manner that is likely to reach a significant number of residents of the community serviced by that facility.

(c) A hospital shall not be subject to this section or Section 1255.2 if the state department does either of the following:

(1) Determines that the use of resources to keep the emergency center open substantially threatens the stability of the hospital as a whole.

(2) Cites the emergency center for unsafe staffing practices.

SEC. 2. Section 1255.2 of the Health and Safety Code is amended to read:

1255.2. A health facility implementing a downgrade or change shall make reasonable efforts to ensure that the community served by its facility is informed of the downgrade or ~~closure.~~ closure at least 180 days prior to the downgrade, change, or closure. Reasonable efforts may include, but not be limited to, advertising the change in terms likely to be understood by a layperson, soliciting media coverage regarding the change, informing patients of the facility of the impending change, and notifying contracting health care service plans as required in Section 1255.1.

SEC. 3. Section 1255.25 of the Health and Safety Code is amended to read:

1255.25. (a) (1) Not less than ~~30~~ 180 days prior to closing a health facility, as defined in subdivision (a) or (b) of Section 1250, or eliminating a supplemental service, as defined in Section 70067 of Chapter 1 of Division 5 of Title 22 of the California Code of Regulations, the facility shall provide public notice of the proposed closure or elimination of the supplemental service, including a notice posted at the entrance to all affected facilities and a notice to the department and the board of supervisors of the county in which the health facility is located.

(2) Not less than ~~30~~ 180 days prior to relocating the provision of supplemental services to a different campus, a health facility, as defined in subdivision (a) or (b) of Section 1250, shall provide public notice of the proposed relocation of supplemental services, including a notice posted at the entrance to all affected facilities and notice to the department and the board of supervisors of the county in which the health facility is located.

(b) The notice required by paragraph (1) or (2) of subdivision (a) shall include all of the following:

(1) A description of the proposed closure, elimination, or relocation. The description shall be limited to publicly available data, including the number of beds eliminated, if any, the probable decrease in the number of personnel, and a summary of any service that is being eliminated, if applicable.

(2) A description of the three nearest available comparable services in the community. If the health facility closing these services serves Medi-Cal or Medicare patients, this health facility shall specify if the providers of the nearest available comparable services serve these patients.

(3) A telephone number and address for each of the following, where interested parties may offer comments:

(A) The health facility.

(B) The parent entity, if any, or contracted company, if any, that acts as the corporate administrator of the health facility.

(C) The chief executive officer.

(c) Notwithstanding subdivisions (a) and (b), this section shall not apply to county facilities subject to Section 1442.5.

SEC. 4. Section 1255.26 is added to the Health and Safety Code, to read:

1255.26. (a) Not less than 180 days prior to closing a health facility, as defined in subdivision (a) or (b) of Section 1250, or eliminating a supplemental service, as defined in Section 70067 of Article 1 of Chapter 1 of Division 5 of Title 22 of the California Code of Regulations, the facility shall provide written notice to the Attorney General pursuant to Sections 5920 to 5924, inclusive, of the Corporations Code.

(b) The facility shall not close a health facility, as defined in subdivision (a) or (b) of Section 1250, or eliminate a supplemental service, as defined in Section 70067 of Article 1 of Chapter 1 of Division 5 of Title 22 of the California Code of Regulations, prior to obtaining the written consent of the Attorney General pursuant to Sections 5920 to 5924, inclusive, of the Corporations Code.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 3
On page 1, strike out lines 1 to 8, inclusive, and strike out pages 2 to 7, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2886

Amendment 1

In the title, in line 1, strike out "amend Section 216 of" and insert:

add Sections 40122.1 and 40122.2 to

Amendment 2

In the title, strike out line 2 and insert:

public employment.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 40122.1 is added to the Public Utilities Code, to read:

40122.1. (a) The Public Employment Relations Board established pursuant to Section 3541 of the Government Code, and the powers and duties of that board, as described in Section 3541.3 of the Government Code, shall apply, as appropriate, to this chapter and shall include the authority as set forth in subdivision (b).

(b) A complaint alleging any violation of this chapter or of any rules and regulations adopted by the district shall be processed as an unfair practice charge by the Public Employment Relations Board. The initial determination as to whether the charge of unfair practice is justified and, if so, the appropriate remedy necessary to effectuate the purposes of this chapter, shall be a matter within the exclusive jurisdiction of the Public Employment Relations Board, except that in an action to recover damages due to an unlawful strike, the Public Employment Relations Board shall have no authority to award strike-preparation expenses as damages, and shall have no authority to award damages for costs, expenses, or revenue losses incurred during, or as a consequence of, an unlawful strike. The Public Employment Relations Board shall apply and interpret unfair labor practices consistent with existing judicial interpretations of this chapter.

(c) The Public Employment Relations Board shall not find it an unfair practice for an employee organization to violate a rule or regulation adopted by a public agency if that rule or regulation is itself in violation of this chapter. This subdivision shall not be construed to restrict or expand that board's jurisdiction or authority as set forth in subdivisions (a) and (b).

(d) This section shall be operative on January 1, 2020.

SEC. 2. Section 40122.2 is added to the Public Utilities Code, to read:

40122.2. (a) Any charging party, respondent, or intervenor aggrieved by a final decision or order of the Public Employment Relations Board in an unfair practice case, except a decision of that board not to issue a complaint in such a case, may petition for a writ of extraordinary relief from that decision or order.

(b) A petition for a writ of extraordinary relief shall be filed in the district court of appeal having jurisdiction over the county where the events giving rise to the decision or order occurred. The petition shall be filed within 30 days from the date of the issuance of the Public Employment Relations Board's final decision or order, or order denying reconsideration, as applicable. Upon the filing of the petition, the court shall cause notice to be served upon the Public Employment Relations Board and thereafter shall have jurisdiction of the proceeding. The Public Employment Relations Board shall file in the court the record of the proceeding, certified by that board, within 10 days after the clerk's notice unless that time is extended by the court for good cause shown. The court shall have jurisdiction to grant any temporary relief or restraining order it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as modified, or setting aside in whole or in part the decision or order of the Public Employment Relations Board. The findings of the Public Employment Relations Board with respect to questions of fact, including ultimate facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive. Title 1 (commencing with Section 1067) of Part 3 of the Code of Civil Procedure relating to writs shall, except where specifically superseded by this section, apply to proceedings pursuant to this section.

(c) If the time to petition for extraordinary relief from a Public Employment Relations Board decision or order has expired, the Public Employment Relations Board may seek enforcement of any final decision or order in a district court of appeal or superior court having jurisdiction over the county where the events giving rise to the decision or order occurred. The Public Employment Relations Board shall respond within 10 days to any inquiry from a party to the action as to why the Public Employment Relations Board has not sought court enforcement of the final decision or order. If the response does not indicate that there has been compliance with the Public Employment Relations Board's final decision or order, the Public Employment Relations Board shall seek enforcement of the final decision or order upon the request of the party. The Public Employment Relations Board shall file in the court the record of the proceeding, certified by that board, and appropriate evidence disclosing the failure to comply with the decision or order. If, after hearing, the court determines that the order was issued pursuant to the procedures established by the Public Employment Relations Board and that the person or entity refuses to comply with the order, the court shall enforce the order by writ of mandamus or other proper process. The court may not review the merits of the order.

(d) This section shall be operative on January 1, 2020.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 4

On page 1, strike out lines 1 to 11, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 2888

Amendment 1

In the heading, in line 1, strike out "Member Ting" and insert:

Members Ting, Muratsuchi, and Reyes

Amendment 2

In the heading, below line 1, insert:

(Coauthor: Senator Allen)

Amendment 3

In the title, in line 1, strike out "relating to criminal law." and insert:

to amend Sections 18150, 18170, and 18190 of the Penal Code, relating to firearms.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Section 18150 of the Penal Code is amended to read:

18150. (a) (1) An immediate family ~~member of a person~~ member, an employer, a coworker, a mental health worker who has seen the person as a patient in the prior six months, an employee of a secondary or postsecondary school that the person has attended in the last six months, or a law enforcement officer may file a petition requesting that the court issue an ex parte gun violence restraining order enjoining the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.

(2) For purposes of this subdivision, "immediate family member" has the same meaning as in paragraph (3) of subdivision (b) of Section 422.4.

(3) This chapter does not require a person described in paragraph (1) to seek a gun violence restraining order.

(b) A court may issue an ex parte gun violence restraining order if the petition, supported by an affidavit made in writing and signed by the petitioner under oath, or an oral statement taken pursuant to subdivision (a) of Section 18155, and any additional information provided to the court shows that there is a substantial likelihood that both of the following are true:

(1) The subject of the petition poses a significant danger, in the near future, of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm as determined by considering the factors listed in Section 18155.

(2) An ex parte gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either

have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition.

(c) An affidavit supporting a petition for the issuance of an ex parte gun violence restraining order shall set forth the facts tending to establish the grounds of the petition, or the reason for believing that they exist.

(d) An ex parte order under this chapter shall be issued or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be issued or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

SEC. 2. Section 18170 of the Penal Code is amended to read:

18170. (a) (1) An immediate family ~~member of a person~~ member, an employer, a coworker, a mental health worker who has seen the person as a patient in the prior six months, an employee of a secondary or postsecondary school that the person has attended in the last six months, or a law enforcement officer may request that a court, after notice and a hearing, issue a gun violence restraining order enjoining the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition for a period of one year.

(2) This chapter does not require a person described in paragraph (1) to seek a gun violence restraining order.

(b) For purposes of this subdivision, "immediate family member" has the same meaning as in paragraph (3) of subdivision (b) of Section 422.4.

SEC. 3. Section 18190 of the Penal Code is amended to read:

18190. (a) (1) An immediate family member of a restrained ~~person or~~ person, an employer, a coworker, a mental health worker who has seen the person as a patient in the prior six months, an employee of a secondary or postsecondary school that the person has attended in the last six months, or a law enforcement officer may request a renewal of a gun violence restraining order at any time within the three months before the expiration of a gun violence restraining order.

(2) For purposes of this subdivision, "immediate family member" has the same meaning as in paragraph (3) of subdivision (b) of Section 422.4.

(3) This chapter does not require a person described in paragraph (1) to seek a gun violence restraining order.

(b) A court may, after notice and a hearing, renew a gun violence restraining order issued under this chapter if the petitioner proves, by clear and convincing evidence, that paragraphs (1) and (2) of subdivision (b) of Section 18175 continue to be true.

(c) In determining whether to renew a gun violence restraining order issued under this chapter, the court shall consider evidence of the facts identified in paragraph (1) of subdivision (b) of Section 18155 and any other evidence of an increased risk for violence, including, but not limited to, evidence of any of the facts identified in paragraph (2) of subdivision (b) of Section 18155.

(d) At the hearing, the petitioner shall have the burden of proving, by clear and convincing evidence, that paragraphs (1) and (2) of subdivision (b) of Section 18175 are true.

(e) If the renewal petition is supported by clear and convincing evidence, the court shall renew the gun violence restraining order issued under this chapter.

(f) The renewal of a gun violence restraining order issued pursuant to this section shall have a duration of one year, subject to termination by further order of the court at a hearing held pursuant to Section 18185 and further renewal by further order of the court pursuant to this section.

(g) A gun violence restraining order renewed pursuant to this section shall include the information identified in subdivision (a) of Section 18180.

Amendment 5

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2890

Amendment 1

In the heading, below line 1, insert:

(Principal coauthor: Senator Skinner)

Amendment 2

In the title, strike out line 1 and insert:

An act to amend Sections 65852.2 and 65852.22 of the Government Code, relating to land use.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow or developed with single-family or multifamily ~~use.~~ units. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be ~~permitted.~~ excluded for fire and life safety purposes, based on clear findings and a preponderance of evidence. The designation of areas ~~may~~ shall be based on criteria that ~~may include, but are not limited to,~~ include the adequacy of water and sewer services and ~~the impact of accessory dwelling units on traffic flow and~~ public safety.

(B) Impose standards on accessory dwelling units that are limited to the following:

(i) Require parking if more than one accessory dwelling unit or junior accessory dwelling unit is proposed. A local agency may, however, reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(ii) Limit the height of an accessory dwelling unit that is greater than 16 feet. A local agency shall not, however, impose height limitations on an accessory dwelling unit with a height of 16 feet or less.

(iii) Require a front yard setback, landscape, and architectural review.

(iv) Limit rear yard or remodel accessory dwelling units greater than 800 square feet.

~~(B)~~

(v) ~~(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that~~ Standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

~~(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.~~

(C) Provide that an accessory dwelling ~~units do~~ unit does not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning ~~designation~~ for the lot. An accessory dwelling unit shall not be considered to exceed the total allowable floor area or allowable floor-to-area ratio for the lot upon which the accessory dwelling unit is located. Minimum lot size, total floor area, floor area ratio, and lot coverage standards shall not be applied to accessory dwelling units in existing structures or new construction, single story rear yard accessory dwelling units.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, ~~buy~~ but may not be sold or otherwise conveyed ~~separate~~ separately from the primary residence.

(ii) The lot ~~is zoned to allow single-family or multifamily use and~~ includes a proposed or existing single-family or multifamily dwelling.

(iii) The accessory dwelling unit is either attached or located within the proposed or existing living area of the proposed or existing primary dwelling or accessory structure, or is detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit and a junior accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square ~~feet.~~ feet, whichever is greater.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet. A local agency shall not limit the size of a detached accessory dwelling unit to less than 800 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing ~~garage~~ living area or accessory structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above or attached to a ~~garage.~~ garage or that is constructed in a rear or side yard area.

(viii) The following building code standards apply to accessory dwelling units:

(I) The small home building standards adopted by the department, which shall be drafted to achieve the most cost-effective construction standards possible, similar or more cost-effective than standards in the 2007 edition of the California Building Standards Code.

(II) If the department has not adopted small home building standards, either the residential remodel standards applicable to the primary dwelling, or the standards in the 2007 edition of the California Building Standards Code. Upon adoption, the department shall post the small building standards on the department's Internet Web site and shall specify the date on which the small house building standards apply to accessory dwelling units.

(III) If the accessory dwelling unit is factory-built housing approved by the department, the building standards published in the California Building Standards Code and approved by the department.

~~(viii)~~

(IV) Local building ~~code~~ requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) ~~Parking requirements for accessory dwelling units.~~ A local agency shall not ~~exceed one~~ require parking ~~space per~~ for a single accessory dwelling unit or ~~per bedroom, whichever is less. These~~ junior accessory dwelling unit. Parking spaces may be provided as tandem parking ~~on a driveway.~~ and shall not be required to be provided as covered or structured parking. Nonconforming parking or driveway areas shall not be required to be conformed to the parking requirements of the local agency.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem ~~parking~~, parking on existing driveways, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, ~~and the~~ a local agency ~~requires~~ shall not require that those ~~offstreet~~ off-street parking spaces be ~~replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).~~ replaced.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) ~~When a local agency receives its first application on or after July 1, 2003, for a~~ A permit ~~pursuant to this subdivision, the application~~ application for an accessory dwelling unit shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. If the local agency does not act on the submitted application within 120 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency ~~subsequent to the effective date of the act adding this paragraph~~ shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void ~~upon the effective date of the act adding this paragraph~~ and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Owner-occupied single family properties with one or more accessory dwelling units shall be regulated as part, or an extension, of the primary dwelling and shall not constitute a new use, change of use, or a new unit for regulating the residential operation of the property.

(C) Owner occupancy restrictions shall not be monitored more frequently than annually based on published public documents that evidence residency, including, but not limited to, a drivers license, school registration, or a voter registration document.

(D) Owner occupancy requirements, if any, shall be forgiven to allow organizations that are providing long-term, deed-restricted affordable housing covered by a regulatory agreement with a local agency.

(7) An accessory dwelling unit or junior accessory dwelling unit on a single family lot shall, when assessed as new construction, be valued exclusively on the basis of the building permit value of the accessory dwelling unit or junior accessory dwelling unit ministerial permit, and shall not trigger a reassessment of the value of the underlying land or other structures on the property.

~~(7)~~

(8) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

~~(8)~~

(9) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance ~~governing accessory dwelling units in accordance with~~ pursuant to subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application. If the local agency does not act upon the submitted application within 120 days, it shall be deemed approved.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an ~~efficiency~~ 800 square foot unit to

be constructed in compliance with local development standards. ~~Accessory dwelling units~~ The installation of fire sprinklers shall not be required ~~to provide fire sprinklers~~ in an accessory dwelling unit if they are not required for the primary residence.

(d) ~~Notwithstanding any other law, a~~ A local agency, whether or not it has adopted an ordinance ~~governing accessory dwelling units in accordance with~~ pursuant to subdivision (a), shall not impose parking standards for ~~an~~ one or two accessory dwelling ~~unit~~ units on a single lot in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot if all of the following apply:

~~(e)~~

(i) ~~Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one~~ The accessory dwelling unit ~~per single-family lot if the~~ or junior accessory dwelling unit is ~~contained~~ within the existing space of a ~~single-family~~ single family residence or accessory structure, including, but not limited to, ~~a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.~~ reconstruction of an existing space with the same physical dimensions as the existing space, or a studio, pool house, or other similar structure.

(ii) The space has exterior access from the existing residence.

(iii) The side and rear setbacks are sufficient for fire and life safety.

(B) One detached new construction single story accessory dwelling of up to 800 square feet with four-feet side and rear yard setbacks.

(C) Multiple accessory dwellings on existing multiple family lots subject to four-feet side and rear yard setbacks and in existing multiple family buildings where units are not rent restricted.

(2) The installation of fire sprinklers shall not be required in an accessory dwelling unit authorized by ministerial permit pursuant to this subdivision if they are not required for the primary residence, and the local agency shall not require existing zoning nonconforming improvements to be corrected as a condition of granting the ministerial permit.

(3) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single family lot created pursuant to this subdivision.

(f) ~~(1) Fees charged~~ A local agency shall not implement standards for minimum lot size, lot coverage, or floor area ratio requirements for accessory dwelling units and shall allow for the construction of an accessory dwelling ~~units shall be determined in accordance~~ unit that complies with ~~Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).~~ this section on any lot that allows for construction of a home, unless specific findings are made based on a preponderance of evidence by a local agency that the construction of the unit would adversely impact fire and life safety.

~~(2)~~

(g) ~~Accessory~~ An accessory dwelling ~~units~~ unit shall not be considered by a local agency, school district, special district, or water corporation to be a new residential use for the purposes of calculating ~~connection fees or capacity charges for utilities, including water and sewer service.~~ fees.

~~(A)~~

(h) ~~For an~~ An accessory dwelling unit ~~described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.~~ permitted pursuant to this section shall not be subject to impact fees, connection fees, capacity charges, or any other fees or charges levied by a local agency, school district, special district, or water corporation.

~~(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.~~

~~(g)~~

(i) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

~~(h)~~

(j) ~~Local agencies~~ A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The~~ After adoption of an ordinance, the department may ~~review and comment on this submitted ordinance.~~ submit written findings to the local agency as to whether the ordinance complies with this section. If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law. The local agency shall consider findings made by the department and may change the ordinance to comply with section or adopt the ordinance without changes. The legislative body of the local agency shall include findings in its resolution that explain the reason the legislative body believes the ordinance complies with this section despite the findings of the department.

(k) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision

are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

~~(i)~~

(*l*) As used in this section, the following terms ~~mean:~~ have the following meanings:

~~(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~

~~(2) "Local agency" means a city, county, or city and county, whether general law or chartered.~~

~~(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.~~

~~(4)~~

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Department" means the Department of Housing and Community Development.

(3) "Factory-built housing" has the same meaning as in Section 19971 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

~~(5)~~

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Public transit" means buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

~~(6)~~

(9) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

~~(j)~~

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 65852.22 of the Government Code is amended to read:

65852.22. (a) Notwithstanding Section 65852.2, a local agency ~~may;~~ shall, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local

public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 4

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 2894

Amendment 1

In the title, in line 1, strike out "amend Section 69786 of" and insert:

add Chapter 2.7 (commencing with Section 99130) to Part 65 of Division 14 of Title 3 of

Amendment 2

In the title, in line 2, strike out "public"

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Chapter 2.7 (commencing with Section 99130) is added to Part 65 of Division 14 of Title 3 of the Education Code, to read:

CHAPTER 2.7. STUDENTS CALLED TO ACTIVE MILITARY DUTY

99130. (a) When a student is called to active military duty during an academic term, the student may choose one of the following options:

(1) The student may withdraw from the institution, retroactively to the beginning of the academic term, with a full refund of tuition and fees in accordance with Section 824 of the Military and Veterans Code.

(2) If at least 75 percent of the academic term has been completed, the student may request that the faculty member assign a grade for the course based on the work the student has completed. The faculty member shall make the final decision as to whether to grant the student's request.

(3) If the faculty member assigns a grade of Incomplete for the student's coursework, the student shall have a minimum of two weeks after returning to the institution to complete the course requirements. Additional time may be granted if alternative arrangements are made with the faculty member, and provided that the alternative arrangements are consistent with the requirements of Section 824 of the Military and Veterans Code.

(b) For purposes of this chapter:

(1) "Institution" means a campus of any of the segments of postsecondary education, as that term is defined in Section 66010.95.

(2) "Student" means a person enrolled, or previously enrolled, at an institution.

Amendment 4
On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2904

Amendment 1
In the title, in line 1, strike out "22900" and insert:

2290.5

Amendment 2
In the title, in line 2, strike out "business." and insert:

healing arts.

Amendment 3
On page 1, before line 1, insert:

SECTION 1. Section 2290.5 of the Business and Professions Code is amended to read:

2290.5. (a) For purposes of this division, the following definitions shall apply:

(1) "Asynchronous store and forward" means the transmission of a patient's medical information from an originating site to the health care provider at a distant site without the presence of the patient.

(2) "Distant site" means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) "Health care provider" means either of the following:

(A) A person who is licensed under this division.

(B) A marriage and family therapist intern or trainee functioning pursuant to Section 4980.43.

(4) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.

(5) "Synchronous interaction" means a real-time interaction between a patient and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while the patient is at the originating site and the health care provider is at a distant site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Prior to the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall

be ~~documented.~~ documented by the health care provider in either printed or electronic form.

(c) Nothing in this section shall preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.

(d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of health care information and a patient's rights to his or her medical information shall apply to telehealth interactions.

(g) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(h) (1) Notwithstanding any other provision of law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).

(3) For the purposes of this subdivision, "telehealth" shall include "telemedicine" as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

Amendment 4
On page 1, strike out lines 1 to 9, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2907

Amendment 1

In the title, in line 1, strike out "Section 2699.3" and insert:

Sections 2699, 2699.3, and 2699.5

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 2699 of the Labor Code is amended to read:

2699. (a) Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, for a violation of this code, may, as an alternative, be recovered through a civil action brought by an aggrieved employee on behalf of himself or herself and other current or former employees pursuant to the procedures specified in Section 2699.3.

(b) For purposes of this part, "person" has the same meaning as defined in Section 18.

(c) For purposes of this part, "aggrieved employee" means any person who was employed by the alleged violator and against whom one or more of the alleged violations was committed.

(d) For purposes of this part, "cure" means that the employer abates each violation alleged by any aggrieved employee, the employer is in compliance with the underlying statutes as specified in the notice required by this part, and any aggrieved employee is made whole. A violation of ~~paragraph (6) or (8) of~~ subdivision (a) of Section 226 shall only be considered cured upon a showing that the employer has provided a fully compliant, itemized wage statement to each aggrieved employee for each pay period for the three-year period prior to the date of the written notice sent pursuant to paragraph (1) of subdivision (c) of Section 2699.3.

(e) (1) For purposes of this part, whenever the Labor and Workforce Development Agency, or any of its departments, divisions, commissions, boards, agencies, or employees, has discretion to assess a civil penalty, a court is authorized to exercise the same discretion, subject to the same limitations and conditions, to assess a civil penalty.

(2) In any action by an aggrieved employee seeking recovery of a civil penalty available under subdivision (a) or (f), a court may award a lesser amount than the maximum civil penalty amount specified by this part if, based on the facts and circumstances of the particular case, to do otherwise would result in an award that is unjust, arbitrary and oppressive, or confiscatory.

(f) For all provisions of this code except those for which a civil penalty is specifically provided, there is established a civil penalty for a violation of these provisions, as follows:

(1) If, at the time of the alleged violation, the person does not employ one or more employees, the civil penalty is five hundred dollars ($500).

(2) If, at the time of the alleged violation, the person employs one or more employees, the civil penalty is one hundred dollars ($100) for each aggrieved employee per pay period for the initial violation and two hundred dollars ($200) for each aggrieved employee per pay period for each subsequent violation.

(3) If the alleged violation is a failure to act by the Labor and Workplace Development Agency, or any of its departments, divisions, commissions, boards, agencies, or employees, there shall be no civil penalty.

(g) (1) Except as provided in paragraph (2), an aggrieved employee may recover the civil penalty described in subdivision (f) in a civil action pursuant to the procedures specified in Section 2699.3 filed on behalf of himself or herself and other current or former employees against whom one or more of the alleged violations was committed. Any employee who prevails in any action shall be entitled to an award of reasonable attorney's fees and costs, including any filing fee paid pursuant to subparagraph (B) of paragraph (1) of subdivision (a) or subparagraph (B) of paragraph (1) of subdivision (c) of Section 2699.3. Nothing in this part shall operate to limit an employee's right to pursue or recover other remedies available under state or federal law, either separately or concurrently with an action taken under this part.

(2) No action shall be brought under this part for any violation of a posting, notice, agency reporting, or filing requirement of this code, except where the filing or reporting requirement involves mandatory payroll or workplace injury reporting.

(h) No action may be brought under this section by an aggrieved employee if the agency or any of its departments, divisions, commissions, boards, agencies, or employees, on the same facts and theories, cites a person within the timeframes set forth in Section 2699.3 for a violation of the same section or sections of the Labor Code under which the aggrieved employee is attempting to recover a civil penalty on behalf of himself or herself or others or initiates a proceeding pursuant to Section 98.3.

(i) Except as provided in subdivision (j), civil penalties recovered by aggrieved employees shall be distributed as follows: 75 percent to the Labor and Workforce Development Agency for enforcement of labor laws, including the administration of this part, and for education of employers and employees about their rights and responsibilities under this code, to be continuously appropriated to supplement and not supplant the funding to the agency for those purposes; and 25 percent to the aggrieved employees.

(j) Civil penalties recovered under paragraph (1) of subdivision (f) shall be distributed to the Labor and Workforce Development Agency for enforcement of labor laws, including the administration of this part, and for education of employers and employees about their rights and responsibilities under this code, to be continuously appropriated to supplement and not supplant the funding to the agency for those purposes.

(k) Nothing contained in this part is intended to alter or otherwise affect the exclusive remedy provided by the workers' compensation provisions of this code for liability against an employer for the compensation for any injury to or death of an employee arising out of and in the course of employment.

(*l*) (1) For cases filed on or after July 1, 2016, the aggrieved employee or representative shall, within 10 days following commencement of a civil action pursuant to this part, provide the Labor and Workforce Development Agency with a file-stamped copy of the complaint that includes the case number assigned by the court.

(2) The superior court shall review and approve any settlement of any civil action filed pursuant to this part. The proposed settlement shall be submitted to the agency at the same time that it is submitted to the court.

(3) A copy of the superior court's judgment in any civil action filed pursuant to this part and any other order in that action that either provides for or denies an award of civil penalties under this code shall be submitted to the agency within 10 days after entry of the judgment or order.

(4) Items required to be submitted to the Labor and Workforce Development Agency under this subdivision or to the Division of Occupational Safety and Health pursuant to paragraph (4) of subdivision (b) of Section 2699.3, shall be transmitted online through the same system established for the filing of notices and requests under subdivisions (a) and (c) of Section 2699.3.

(m) This section shall not apply to the recovery of administrative and civil penalties in connection with the workers' compensation law as contained in Division 1 (commencing with Section 50) and Division 4 (commencing with Section 3200), including, but not limited to, Sections 129.5 and 132a.

(n) The agency or any of its departments, divisions, commissions, boards, or agencies may promulgate regulations to implement the provisions of this part.

Amendment 3

On page 1, in line 1, strike out "SECTION 1." and insert:

SEC. 2.

Amendment 4

On page 5, in line 32, strike out "paragraph (6) or (8) of"

Amendment 5

On page 6, in line 17, strike out "SEC. 2." and insert:

SEC. 3.

Amendment 6

On page 10, in line 3, strike out "paragraph (6) or (8) of"

Amendment 7

On page 10, below line 25, insert:

SEC. 4. Section 2699.5 of the Labor Code is amended to read:

2699.5. The provisions of subdivision (a) of Section 2699.3 apply to any alleged violation of the following provisions: subdivision (k) of Section 96, Sections 98.6, 201, 201.3, 201.5, 201.7, 202, 203, 203.1, 203.5, 204, 204a, 204b, 204.1, 204.2, 205, 205.5, 206, 206.5, 208, 209, and 212, subdivision (d) of Section 213, Sections 221, 222, 222.5, 223, ~~and~~ 224, ~~paragraphs (1) to (5), inclusive, (7), and (9) of subdivision (a) of Section 226,~~ Sections 226.7, 227, 227.3, 230, 230.1, 230.2, 230.3, 230.4, 230.7, 230.8, and 231, subdivision (c) of Section 232, subdivision (c) of Section 232.5, Sections 233, 234, 351, 353, and 403, subdivision (b) of Section 404, Sections 432.2, 432.5, 432.7, 435, 450, 510, 511, 512, 513, 551, 552, 601, 602, 603, 604, 750, 751.8, 800, 850, 851, 851.5, 852, 921, 922, 923, 970, 973, 976, 1021, 1021.5, 1025, 1026, 1101, 1102, 1102.5, and 1153, subdivisions (c) and (d) of Section 1174, Sections 1194, 1197, 1197.1, 1197.5, and 1198, subdivision (b) of Section 1198.3, Sections 1199, 1199.5, 1290, 1292, 1293, 1293.1, 1294, 1294.1, 1294.5, 1296, 1297, 1298, 1301, 1308, 1308.1, 1308.7, 1309, 1309.5, 1391, 1391.1, 1391.2, 1392, 1683, and 1695, subdivision (a) of Section 1695.5, Sections 1695.55, 1695.6, 1695.7, 1695.8, 1695.9, 1696, 1696.5, 1696.6, 1697.1, 1700.25, 1700.26, 1700.31, 1700.32, 1700.40, and 1700.47, Sections 1735, 1771, 1774, 1776, 1777.5, 1811, 1815, 2651, and 2673, subdivision (a) of Section 2673.1, Sections 2695.2, 2800, 2801, 2802, 2806, and 2810, subdivision (b) of Section 2929, and Sections 3095, 6310, 6311, and 6399.7.

AMENDMENTS TO ASSEMBLY BILL NO. 2916

Amendment 1
In the title, strike out lines 1 and 2 and insert:

An act to add Article 3.5 (commencing with Section 97.90) to Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code, relating to local government finance.

Amendment 2
On page 1, before line 1, insert:

SECTION 1. Article 3.5 (commencing with Section 97.90) is added to Chapter 6 of Part 0.5 of Division 1 of the Government Code, to read:

Article 3.5. Revenue Allocation Shifts for Qualified Fire Protection Districts

97.90. (a) For the 2020–21 to 2024–25 fiscal years, inclusive, the auditor of a county in which a qualified fire protection district is located shall do both of the following:

(1) Increase the total amount of ad valorem property tax revenue that is otherwise required to be allocated to each qualified fire protection district by the fire protection district equity amount.

(2) (A) Decrease the total amount of ad valorem property tax revenue that is otherwise required to be allocated to all local agencies that are not fire protection districts by the fire protection district equity amount.

(B) The reduction required by paragraph (1) shall be apportioned among each local agency that is not a fire protection district. The reduction for each of these local agencies shall be the percentage share of the total reduction that is equal to the proportion that the total amount of ad valorem property tax revenue that is otherwise required to be allocated to the local agency bears to the total amount of ad valorem property tax revenue that is otherwise required to be allocated to all local agencies in the county that are not fire protection districts.

(b) On or before January 1, 2020, the Office of Emergency Services shall do all of the following:

(1) Identify which fire protection districts in the state are qualified fire protection districts.

(2) For each qualified fire protection district, determine what amount of additional ad valorem property tax revenues are necessary for the qualified fire protection district to provide effective services for the district.

(3) Report to the auditor of each county in which a qualified fire protection district is located the amounts determined pursuant to paragraph (2) for each qualified fire protection district.

(c) For purposes of this section, both of the following definitions shall apply:

(1) "Fire protection district equity amount" means one-fifth of the amount reported to the auditor pursuant to paragraph (2) of subdivision (b) for each qualified fire protection district.

(2) "Qualified fire protection district" means a fire protection district that does not receive sufficient ad valorem property tax revenues to provide effective services for the district.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 1, strike out lines 1 to 9, inclusive, and strike out pages 2 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2920

Amendment 1

In the title, in line 1, strike out "amend Section 13700 of" and insert:

add Section 10619.5 to

Amendment 2

In the title, in line 2, strike out "homeless youth." and insert:

homelessness.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 10619.5 is added to the Welfare and Institutions Code, to read:

10619.5. (a) For purposes of this section:

(1) "Eligible recipient" means a city that meets the following criteria:

(A) The city has adopted a housing element in accordance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.

(B) The city has demonstrated an ability to provide matching funds for either capital or service expenditures, including by means of bonds approved by the voters of the city, or the county in which the city is located, the proceeds of which are dedicated to the development of housing.

(C) The city is part of a regional coalition established by agreement, including by a memorandum of understanding or by a joint powers agreement entered into pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code), with one or more other local agencies that are adjacent to, or include within their territorial boundaries, the city in order to provide the services described in this section.

(2) "Program" means the Regional Homeless Efforts Matching Grant Program established pursuant to this section.

(b) There is hereby established the Regional Homeless Efforts Matching Grant Program. Upon appropriation by the Legislature for purposes of this section, the department shall award grants on a first-come-first-served basis pursuant to the program, the total aggregate amount of which shall not exceed one hundred million dollars ($100,000,000), to eligible recipients. An eligible recipient shall use any grant awarded pursuant to the program for the following purposes in helping to alleviate homelessness:

(1) Mental health services.

(2) Vocational training.

(3) Substance abuse counseling.

(4) Tenant relocation assistance.

(c) In order to receive a grant pursuant to the program in any fiscal year, an eligible recipient shall apply to the department in the form and manner prescribed by the department.

Amendment 4
On page 1, strike out lines 1 to 6, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2924

Amendment 1
In the title, in line 1, strike out "53086" and insert:

51226

Amendment 2
In the title, strike out line 2 and insert:

school curriculum.

Amendment 3
On page 1, before line 1, insert:

SECTION 1. Section 51226 of the Education Code is amended to read:

51226. (a) The Superintendent ~~of Public Instruction~~ shall coordinate the development, on a cyclical basis, of model curriculum standards for the course of study required by Section 51225.3 and for a career technical education course of study necessary to assist school districts with complying with subdivision (b) of Section 51228. The ~~superintendent~~ Superintendent shall set forth these standards in terms of a wide range of specific competencies, including higher level skills, in each academic subject area. The ~~superintendent~~ Superintendent shall review currently available textbooks in conjunction with the curriculum standards. The ~~superintendent~~ Superintendent shall seek the advice of classroom teachers, school administrators, parents, postsecondary educators, and representatives of business and industry in developing these curriculum standards. The ~~superintendent~~ Superintendent shall recommend policies to the ~~State Board of Education~~ state board for consideration and adoption by the state board. The ~~State Board of Education~~ state board shall adopt these policies no later than January 1, 1985. However, ~~neither~~ the ~~superintendent nor~~ Superintendent or the state board shall not adopt rules or regulations for course content or methods of instruction.

~~The superintendent~~

(b) The Superintendent shall, to the extent applicable, incorporate the integration of career technical and academic ~~education~~ education, including online career guidance tools such as the California Career Resource Network, into the development of curriculum standards for career technical education courses. The standards for a career technical education course of study shall be adopted no later than June 1, 2005. The Superintendent shall, to the extent applicable, incorporate the online career guidance tools such as the California Career Resource Network into the curriculum standards for career technical education courses during the next update of those curriculum standards on or after January 1, 2019.

Amendment 4
On page 1, strike out lines 1 to 8, inclusive, and strike out pages 2 and 3

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AMENDMENTS TO ASSEMBLY BILL NO. 2925

Amendment 1

In the title, in line 1, after "act" insert:

to add Section 1946.2 to the Civil Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 1946.2 is added to the Civil Code, to read:

1946.2. A landlord shall not issue a notice to terminate a tenancy pursuant to Section 1946 or 1946.1 except upon good cause, as set forth with particularity in the notice. This section is in addition to, and does not supersede or preempt, any other state or local law requiring the showing of good cause prior to the termination of a tenancy.

Amendment 3

On page 1, strike out lines 1 and 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2927

Amendment 1

In the title, in line 1, strike out "Section 10089.5 of" and insert:

Sections 10089.5, 10089.13, 10089.16, 10089.23, 10089.29, and 10089.30 of, to add Sections 10089.315 and 10089.316 to, and to repeal Sections 10089.31 and 10089.33 of,

Amendment 2

In the title, strike out line 2 and insert:

insurance, and making an appropriation therefor.

Amendment 3

On page 1, between lines 4 and 5, insert:

(b) "Assessable insurance policy" means a policy issued in California or covering a risk located in California under a policy within a class of insurance defined in Chapter 1 (commencing with Section 100) of Part 1 of Division 1, or issued by an eligible nonadmitted insurer through a surplus lines broker, excluding a policy of life, disability, title, mortgage, or insolvency insurance.

(c) "Assessable insured" means a person who holds a policy issued in California or covering a risk located in California under a policy within a class of insurance defined in Chapter 1 (commencing with Section 100) of Part 1 of Division 1, or issued by an eligible nonadmitted insurer through a surplus lines broker. "Assessable insured" excludes a person who holds a policy of life, disability, title, mortgage, or insolvency insurance.

(d) "Assessable insurer" means an insurer or surplus lines broker, identified by the department at the request of the authority, as an issuer of an assessable insurance policy to an assessable insured.

Amendment 4

On page 1, in line 5, strike out "(b)" and insert:

(e)

Amendment 5

On page 2, in line 8, strike out "(c)" and insert:

(f)

Amendment 6
On page 2, in line 13, strike out "any" and insert:

a

Amendment 7
On page 2, in line 20, strike out "any" and insert:

a

Amendment 8
On page 2, in line 28, strike out "any" and insert:

a

Amendment 9
On page 2, in line 35, strike out "any" and insert:

a

Amendment 10
On page 2, in line 39, strike out "(d)" and insert:

(g)

Amendment 11
On page 3, in line 1, strike out "(e)" and insert:

(h)

Amendment 12
On page 3, in line 4, strike out "(f)" and insert:

(i)

Amendment 13
On page 3, between lines 6 and 7, insert:

(j) "Earthquake event" means an event as defined by, and covered under, policies issued by the authority.

Amendment 14
On page 3, in line 7, strike out "(g)" and insert:

(k)

Amendment 15
On page 3, in line 10, strike out "(h)" and insert:

(*l*)

Amendment 16
On page 3, in line 11, strike out "(i)" and insert:

(m)

Amendment 17
On page 3, in line 13, strike out "(j)" and insert:

(n)

Amendment 18
On page 3, in line 15, strike out "(k)" and insert:

(o)

Amendment 19
On page 3, in line 17, strike out "(l)" and insert:

(p)

Amendment 20
On page 3, in line 19, strike out "(m)" and insert:

(q)

Amendment 21
On page 3, in line 31, strike out "(n)" and insert:

(r)

Amendment 22
On page 3, in line 36, strike out "(o)" and insert:

(s)

Amendment 23
On page 4, in line 4, strike out "(p)" and insert:

(t)

Amendment 24
On page 4, below line 16, insert:

SEC. 2. Section 10089.13 of the Insurance Code is amended to read:

10089.13. (a) One year following its commencement of operations, and annually thereafter by each August 1, the authority shall report to the Legislature and the commissioner on program operations in a format prescribed by the commissioner. The report shall include, but shall not be limited to, the financial condition of the authority, a description of all rates and rating plans approved for use in the authority, an evaluation of the functioning of the authority in light of its stated purpose of making residential property insurance and residential earthquake insurance more available. The report shall also include an analysis of the growth by market share of residential property insurance of participating insurers compared to nonparticipating insurers, any adverse consequences on the various insurance distribution systems resulting from the operation of the authority or alterations in the growth of the residential property insurance market share between participating insurers and nonparticipating insurers, any adverse consequences of the various insurance distribution systems resulting from the operation of the authority or alterations in the growth of homeowners' insurance market share between participating insurers and nonparticipating insurers, and an analysis of ~~any~~ recommended program changes to permit the authority to better fulfill its stated purpose. In making this determination the board shall be mindful of the competitive nature of the market and how ~~any~~ a decision can negatively impact insurers who are currently

competing in the marketplace. The report shall be posted on the authority's official Internet Web site.

(b) The annual report shall include full information describing the following matters relating to the authority's condition and affairs:

(1) The property or assets held by the authority, including the amount of cash on hand and deposited in banks to its credit, the amount of cash in the hands of servicing insurance companies, the amount of ~~any~~ the stocks or bonds owned by the authority, specifying the amount, number of shares, and the par and market value of each kind of stock or bond, and all other assets, specifying each.

(2) The liabilities of the authority, including the amount of losses due and unpaid, the amount of claims for losses resisted by the authority and the amount of losses in the process of adjustment or in suspense, including all reported and supposed losses, the amount of revenue bonds or other debt financing issues under Section 10089.29 or Section 10089.50, and all other liabilities.

(3) Income of the authority during the preceding year, specifying premiums received, interest money received, and income from all other sources, specifying the source.

(4) Expenditures of the authority during the preceding year, specifying the amount of losses paid, the amount of expenses paid by category, and the amount of all other payments and expenditures.

(5) The costs and scope of all reinsurance and capital market contracts entered into by the authority under Section 10089.10.

(c) As part of the annual report, the authority shall make a separate, summary report on the financial capacity of the authority to pay claims made against the authority. Copies of this report shall also be made available to the public. The report shall include, but shall not be limited to, the following information, valued as of 30 days prior to the date of the report:

(1) The available capital of the authority.

(2) The liabilities of the authority.

(3) The amount of all assessments previously made and the amount of assessments that may be made in the future under Section 10089.23.

(4) The amount of the reinsurance under contract and actually available to the authority.

(5) The amount of all revenue bonds or other debt financing previously issued or contracted for and the amount of all revenue bonds or other debt financing that may be issued or contracted for in the future under Section 10089.29.

(6) The amount of surcharges previously assessed against policyholders and the amount of surcharges that are currently outstanding against policyholders under Section 10089.29.

(7) The amount of capital committed and actually available by contract from private capital markets that is available to pay claims against the authority.

(8) The amount of all assessments previously made and the amount of all assessments that may be made in the future under Section 10089.30.

~~(9) The amount of all assessments previously made and the amount of all assessments that may be made in the future under Section 10089.31.~~

(d) In verification of the matters set forth in the annual report provided for in subdivision (a), the Department of Finance shall approve independent qualified auditors

selected by the commissioner to examine the books and accounts relating to all matters concerning the financial and program operations of the authority. The commissioner shall file a certified report of the examination with the President pro Tempore of the Senate, the Speaker of the Assembly, the Chairpersons of the Senate and Assembly Insurance Committees, and the Chairperson of the Senate Committee on Judiciary within 10 days of its receipt. Copies of this report shall also be made available to the public. The expense of examining the books and accounts of the authority shall be paid out of the operating funds of the authority.

(e) The authority shall, within 120 days following a seismic event that results in the payment of claims by the authority, and within one year of a major seismic event that results in the payment of claims by the authority, submit to the President pro Tempore of the Senate, the Speaker of the Assembly, the Chairpersons of the Senate and Assembly Insurance Committees, the Chairperson of the Senate Committee on Judiciary, and the commissioner a concise written report of program operations related to that seismic event. The reports shall include, but not be limited to, progress on payment of claims, claims payments made and anticipated, and the functioning of the authority in response to the seismic event. Copies of this report shall also be made available to the public.

SEC. 3. Section 10089.16 of the Insurance Code is amended to read:

10089.16. (a) On application to the board, payment of ~~any~~ assessments and fees calculated by the board, and fulfillment of ~~any~~ additional requirements imposed by the board, nonparticipating insurers may become participants in the authority with all rights and privileges attendant to that participation.

(b) In order to act upon ~~any~~ the findings and recommendations reported to the Legislature pursuant to Section 10089.13, or to implement a specific finding by the commissioner or the board that modification of requirements for entry into the authority is necessary to broaden the availability of residential property or residential earthquake insurance, the board is authorized to open the authority to participation by insurers who have not elected to participate in compliance with Section 10089.15. In implementing the authority granted by this section, the board may:

(1) Offer incentives for insurers to participate in the authority.

(2) Allow ~~any~~ an insurer or insurer group that has not elected to become a participating insurer to become an associate participating insurer without complying with the capital contribution requirements of Section 10089.15 if it has maintained or exceeded its number of policies of residential property insurance written as of January 1, 1996.

(c) ~~Any~~ An action by the board pursuant to subdivision (b) shall be subject to the following conditions and limitations:

(1) ~~Any deliberation~~ Deliberation and action by the board shall be conducted at a public meeting of the board.

(2) No action may be taken within one year of the date upon which the authority begins writing policies of basic residential earthquake insurance.

(3) The board shall have no authority to modify the requirements of Section ~~10089.23, 10089.30, or 10089.31,~~ 10089.23 or 10089.30, or to provide, in any other manner, for reduction of the liability of an insurer or insurer group to comply with the assessments placed upon participating insurers in the event of a loss.

(4) Notwithstanding Section 10089.11, any action of the board pursuant to subdivision (b) shall be by regulation promulgated by the board. Notwithstanding any other ~~provision of~~ law, there shall be no authority by the board to promulgate emergency regulations to implement subdivision (b). ~~No regulations may~~ Regulations shall not be proposed within one year of the date upon which the authority begins writing policies of basic residential earthquake insurance. Notwithstanding any exception provided in Section 11343 of the Government Code, ~~any~~ a regulation adopted pursuant to subdivision (b) shall be submitted to the Office of Administrative Law for approval pursuant to the Administrative Procedure Act.

(5) ~~Any~~ An action by the board to establish an incentive pursuant to subdivision (b) that is available to a single insurer or insurer group shall be based upon standards adopted by the board that are not arbitrary or discriminatory. Notwithstanding Section 10089.11, these standards shall be established by regulation promulgated by the board.

(6) A finding of necessity pursuant to subdivision (b) shall state the specific facts and conditions that establish the necessity and justify the actions to implement subdivision (b). All materials and documents prepared or used by the authority to determine the necessity to implement subdivision (b), other than proprietary materials and documents owned or licensed by third parties, shall be considered public documents, and copies of the public documents shall be made available to the public for inspection at no charge. Members of the public may purchase copies of these documents from the authority at actual cost.

(d) (1) A nonparticipating insurer that applies to the board to become an authority participant must submit to the authority, in connection with its application, earthquake insurance policy data sufficient for the authority to ascertain through computer modeling the current likelihood and magnitude of earthquake insurance losses that would be attributable to that insurer's book of earthquake insurance business during its first full year of authority participation. The authority's modeled representation of ~~such~~ those insured earthquake losses shall be termed the "earthquake insurance risk profile" of that insurer.

(2) If in the board's sole judgment the earthquake insurance risk profile the nonparticipating insurer would bring to the authority would be more likely to produce losses for the authority, or would be likely to produce greater losses for the authority, than would a book of existing authority business of similar size, the board may require as a condition for approving the insurer's application that the insurer pay up to five annual risk capital surcharges into the authority in addition to any capital contribution required by Section 10089.15 and any assessment obligations required by Sections ~~10089.23, 10089.30, and 10089.31.~~ 10089.23 and 10089.30.

(3) The board shall first calculate the nonparticipating insurer's risk capital surcharge as of the first anniversary of the date the insurer first placed or renewed into the authority earthquake insurance policies. The board shall recalculate the risk capital surcharge for each of up to four years after the first year of calculation and shall impose the resulting surcharge; if the insurer's earthquake insurance risk profile becomes substantially similar to the authority's average risk profile for a book of authority earthquake insurance business of similar size, the board shall relieve the insurer of any further obligation to pay risk capital surcharges.

(4) Each annual risk capital surcharge shall be in an amount that, in the board's determination, is equal to the authority's increased cost of providing capacity to insure

that insurer's excess earthquake insurance risk. The authority shall cause to be sent to ~~each such~~ the insurer a notice of that insurer's annual risk capital surcharge.

(5) Full payment of a noticed risk capital surcharge shall be due within 30 days and shall be overdue after 30 days. Penalties and interest shall be assessed for late payments in the same manner as provided for late payments of the insurer gross premium tax provided for in Section 12258 of the Revenue and Taxation Code. The board may waive the penalties and interest for good cause shown.

(e) Associate participating insurers shall place all new policies of residential earthquake insurance, when writing new policies of residential property insurance, into the authority. Insurers placing policies with the authority under this section shall be subject to the assessments provided for in Sections ~~10089.23, 10089.30, and 10089.31.~~ 10089.23 and 10089.30. Notwithstanding subdivision (m) of Section 10089.5, "residential earthquake insurance market share" for purposes of ~~any~~ assessments pursuant to Sections ~~10089.23, 10089.30, and 10089.31~~ 10089.23 and 10089.30 levied on an associate participating insurer shall mean an individual associate participating insurer's total direct premium received for residential earthquake policies written or renewed by the authority for which the insurer has written or renewed an underlying policy of residential property insurance, divided by the total gross premiums received by all admitted insurers and the authority for their basic residential earthquake insurance in California.

(f) (1) An associate participating insurer shall not cancel or refuse to renew a residential property insurance policy existing on the date it elected to become an associate participating insurer after an offer of earthquake coverage is accepted solely because the insured has accepted that offer of earthquake coverage.

(2) An associate participating insurer shall maintain in force any policy of residential property insurance existing on the date it elected to become an associate participating insurer after an offer of earthquake insurance has been accepted, unless the policy is properly canceled pursuant to Section 676 or the associate participating insurer has grounds for nonrenewal pursuant to subdivision (g).

(g) An associate participating insurer may refuse to renew a policy of residential property insurance after an offer of earthquake coverage has been accepted if one of the following exceptions applies:

(1) The policy is terminated by the named insured.

(2) The policy is refused renewal on the basis of sound underwriting principles that relate to the coverages provided by the underlying policy of residential property insurance and that are consistent with the approved rating plan and related documents filed with the department as required by existing law.

(3) The commissioner finds that the exposure to potential losses will threaten the solvency of the associate participating insurer or place the associate participating insurer in a hazardous condition. "Hazardous condition" has the same meaning as in Section 1065.1 and includes, but is not limited to, a condition in which an associate participating insurer makes claims payments for losses resulting from an earthquake that occurred within the preceding two years and that required a reduction in policyholder surplus of at least 25 percent for payment of those claims.

(4) There is cancellation under Section 676.

(5) The associate participating insurer has lost or experienced a substantial reduction in the availability or scope of reinsurance coverage or a substantial increase

in the premium charged for reinsurance coverage for its residential property insurance policies, and the commissioner has approved a plan for the nonrenewals that is fair and equitable, and that is responsive to the changes in the associate participating insurer's reinsurance position.

(6) The named insured is insured based upon membership in a motor club, as defined in Section 12142, and the membership in that organization is terminated as provided in paragraph (2) of subdivision (c) of Section 1861.03.

(h) For associate participating insurers, underwriting standards applicable to residential property insurance shall not be applied in an unfairly discriminatory fashion against ~~any~~ a person who accepts or elects to continue earthquake coverage.

(i) Associate participating insurers shall be subject to the following requirements:

(1) Associate participating insurers shall conform to all provisions of the authority's plan of operation applicable to participating insurers.

(2) ~~No~~ A property that has previously been covered by a policy of residential earthquake insurance written by the associate participating insurer or associate participating insurer group, absent at least one full policy year with an insurer not affiliated with the associate participating insurer or its group, ~~may~~ shall not be placed into the authority by an associate participating insurer.

(3) ~~Any~~ An associate participating insurer or associate participating insurer group defined in paragraph (2) of subdivision (b) that has failed to maintain or exceed the number of policies of residential property insurance in force on January 1, 1996, may become an associate participating insurer by contributing additional capital into the authority at a rate to be established by the board, which shall be a per policy rate comparable to the average cost per policy paid by a participating insurer that joins the authority pursuant to Section 10089.15.

(j) ~~Any~~ An associate participating insurer shall be required to establish procedures to verify compliance with this section. The procedures shall require verification that each basic residential earthquake policy written by the authority complies with paragraph (2) of subdivision (i).

(k) ~~Any~~ A violation of this section may be enforced as a violation of the Unfair Trade Practices Act (Article 6.5 (commencing with Section 790) of Chapter 1 of Part 2 of Division 1). Each policy of basic residential earthquake insurance written in the authority by an associate participating insurer in violation of this section shall be deemed to be a separate violation of the Unfair Trade Practices Act.

(*l*) For purposes of this section, ~~no~~ an insurer or associate participating insurer ~~may~~ shall not participate in the authority unless all affiliated insurers participate in the authority.

(m) Policies of basic residential earthquake insurance written by associate participating insurers shall be subject to assessment by the California Insurance Guarantee Association and shall be covered to the extent provided in Article 14.2 (commencing with Section 1063) of Chapter 1 of Part 2 of Division 1. Except as provided in Section 10089.34, insurance policies written by participating insurers that are not associate participating insurers shall not be subject to assessment by the California Insurance Guarantee Association if the assessment is imposed to pay claims covered by policies of basic residential earthquake insurance written by an associate participating insurer.

SEC. 4. Section 10089.23 of the Insurance Code is amended to read:

10089.23. (a) (1) If at any time following the payment of earthquake claims and claim expenses the authority's available capital is reduced to less than ~~three hundred fifty~~ five hundred million dollars ~~($350,000,000)~~, ($500,000,000), or if at any time the authority's available capital is insufficient to pay benefits and continue operations, the authority shall have the power to assess participating insurance companies subject to the maximum limits as set forth in this section and Section 10089.30. The assessment shall be limited to the amount necessary to pay the outstanding or expected claims and claim expenses of the authority and to return the authority's available capital to ~~three hundred fifty~~ five hundred million dollars ~~($350,000,000)~~, ($500,000,000), as determined by the board, subject to approval by the commissioner.

(2) ~~Each~~ A participating insurer's assessment shall be determined by multiplying the percentage share of the authority's total gross written premium that is attributable to that participating insurer's sales of authority insurance policies, as of April 30 of the immediately preceding year or the most recent year for which premium data not more than one year old are available, by the amount of the total assessment sought by the authority.

~~(3) The maximum permissible insurer assessments pursuant to this section, the maximum permissible insurer assessments pursuant to Section 10089.30 and Section 10089.31, the maximum permissible earthquake policyholder assessments pursuant to Section 10089.29, and the maximum permissible bond issuances or other debt financing issued or secured by the Treasurer pursuant to Section 10089.29 shall be reduced uniformly by multiplication of the maximum assessments and other amounts provided in those sections by the percentage of the total residential property insurance market share participation attained by the authority. The total amount of all assessments levied on participating insurance companies by the authority pursuant to this section shall not exceed three billion dollars ($3,000,000,000), regardless of the frequency or severity of earthquake losses at any and all times subsequent to the creation of the authority. Once a participating insurer has paid, pursuant to this section, amounts equal to the percentage share of the authority's total gross written premium attributable to that participating insurer's sales of authority insurance policies, as of April 30 of the immediately preceding year or the most recent full year for which premium data not more than one year old are available, multiplied by three billion dollars ($3,000,000,000) reduced as provided in this paragraph from the maximum assessment, the authority's power to assess that insurer under this section shall cease and the authority shall be prohibited from levying additional assessments on that insurer pursuant to this section.~~

~~(4)~~

(3) Beginning December 31 of the first year of operations, and each December 31 thereafter, the board shall adjust the maximum permissible insurer ~~assessments~~ assessment for a single earthquake event pursuant to this section, the maximum permissible insurer assessments pursuant to ~~Sections 10089.30 and 10089.31,~~ Section 10089.30, the maximum permissible authority policyholder assessment pursuant to Section 10089.29, and the maximum permissible bond issuances or other debt financing issued or secured by the Treasurer pursuant to Section 10089.29 to reflect the market share of new insurers entering into the ~~authority~~ authority, as authorized by Sections 10089.15 and ~~10089.16~~ 10089.16, and participating insurers withdrawing from the ~~authority~~ authority, as authorized by Section 10089.19. ~~The adjustments shall be made in the same manner as authorized by paragraph (3).~~

(b) In the case of ~~any~~ an insurer assessment, the authority shall cause to be sent to ~~each~~ a participating insurer a notice of that insurer's assessment, and full payment shall be due within 30 days and shall be overdue after 30 days. Penalties and interest shall be assessed for late payments in the same manner as provided for late payments of the insurer gross premium tax pursuant to Section 12258 of the Revenue and Taxation Code. The board may waive the penalties and interest for good cause shown. The board shall make every effort to assess insurers only for funds reasonably anticipated to be necessary for claims payments and claim expenses and to return the authority's available capital to ~~three hundred fifty~~ five hundred million dollars ~~($350,000,000).~~ ($500,000,000).

(c) Notwithstanding the other provisions of this section, the aggregate assessment the authority is authorized by this section to impose shall be reduced to zero on December 1, 2008, with respect to earthquake events that commence on or after December 1, 2008.

(d) The authority shall not assess a participating insurer under this section based on ~~any~~ insurance business that is attributable to the insurer selling the insurer's insurance products that supplement or augment the basic residential earthquake insurance provided by the authority.

SEC. 5. Section 10089.29 of the Insurance Code is amended to read:

10089.29. (a) ~~If benefits paid~~ (1) The authority shall sell investment grade revenue bonds, issue or secure other debt financing of the authority, or sell, issue, or secure a combination of revenue bonds and debt financing, in an amount determined by the board pursuant to Section 10089.32, but not to exceed one billion dollars ($1,000,000,000), plus costs of issuance and sale of those revenue bonds or other debt financing, and amounts paid or payable to bond issuers and providers of credit support and letters of credit for, and interest on, those revenue bonds or other debt, if claims and claim expenses incurred by the authority following ~~an~~ a single earthquake event exhaust the total of ~~(1)~~ the following:

(A) The authority's available ~~capital, (2) the~~ capital.

(B) The maximum amount of all participating insurer capital contributions and assessments pursuant to Sections 10089.15 and ~~10089.23, (3) all~~ 10089.23.

(C) All reinsurance and risk transfer provided through capital market contracts actually available and under contract to the ~~authority, and (4) all~~ authority.

(D) All capital committed and actually available by contract to the authority from private capital ~~markets, the Treasurer, as agent for sale of bonds for the authority, may sell investment grade revenue bonds or issue or secure other debt financing of the authority or any combination of the revenue bonds or debt financing in an amount up to one billion dollars ($1,000,000,000), in an amount determined by the board pursuant to Section 10089.32. The~~ markets.

(E) All capital available in the CEA Policyholder Surcharge Reserve Fund.

(2) The Treasurer may act as agent for sale of those revenue bonds, and shall make available the net proceeds of the revenue bonds ~~or debt financing~~ as funding for the authority. ~~These funds shall not be used to replenish the fund.~~ Failure of the authority to obtain ~~such funding for any reason~~ debt financing shall not obligate the State of California to provide or arrange replacement funding for the authority. The Treasurer may sell revenue bonds for the purpose of refunding the revenue bonds or other debt financing when authorized to do so by the board, and the surcharge authorized by this

section may be used to repay that ~~refunding.~~ refunding, plus costs of issuance and sale of those revenue bonds or other debt financing being refunded, and amounts paid or payable to bond issuers and providers of credit support and letters of credit for, and interest on, those revenue bonds or other debt being refunded.

(b) (1) In the event of a revenue bond sale or debt financing arrangement pursuant to this section, the authority shall have the power annually to surcharge all authority policies to secure funds solely to repay the bonded indebtedness or other ~~debt.~~ debt, plus costs of issuance and sale of those revenue bonds or other debt, and amounts paid or payable to bond issuers and providers of credit support and letters of credit for, and interest on, those revenue bonds or other debt. The net surcharge collected shall not exceed ~~the sum calculated pursuant to paragraph (3) of subdivision (a) of Section 10089.23, and in no event exceed~~ one billion dollars ($1,000,000,000), plus costs of issuance and sale of those revenue bonds or other debt and amounts paid or payable to bond issuers and providers of credit support and letters of credit ~~for~~ for, and interest ~~on~~ on, those revenue bonds or other debt. ~~In no event shall the~~ The surcharge on ~~any~~ an authority policy shall not exceed 20 percent of the annual basic residential earthquake insurance premium in any one year for the policy. A surcharge authorized pursuant to this section shall not be considered premium for any purpose, including the calculation of rates filed with the commissioner pursuant to Chapter 9 (commencing with Section 1850.4) of Part 2 of Division 1 or the calculation of producer commission.

(2) If a policy issued by the authority includes a premium surcharge pursuant to this subdivision, the participating insurer shall provide the insured a notice in a stand-alone document stating that the policyholder may cancel or nonrenew the earthquake policy. The notice shall specify that cancellation or nonrenewal of the earthquake policy will not affect the underlying residential property insurance policy. The statement shall be provided with the premium billing and shall include the following statement in 14-point boldface type:

NOTICE OF SURCHARGE ON CEA EARTHQUAKE INSURANCE POLICY AND RIGHT TO CANCEL

~~A SURCHARGE HAS BEEN INCLUDED IN THE PREMIUM FOR YOUR CEA EARTHQUAKE INSURANCE POLICY. YOU MAY CHOOSE TO RENEW THIS POLICY AT THE NEW RATE OR YOU MAY CANCEL OR NONRENEW YOUR CEA EARTHQUAKE INSURANCE POLICY. CANCELLATION OR NONRENEWAL OF YOUR CEA POLICY WILL HAVE NO AFFECT ON YOUR HOMEOWNERS' OR FIRE INSURANCE POLICY. HOWEVER, IF YOU WANT EARTHQUAKE INSURANCE TO BE PROVIDED BY THE CEA, YOU MUST PAY THE FULL PREMIUM FOR THE CEA POLICY, INCLUDING THE SURCHARGE.~~

THE CEA IS IMPOSING A SURCHARGE ON ALL CEA EARTHQUAKE INSURANCE POLICIES. You may choose to renew, to cancel, or not to renew ("nonrenew") your CEA earthquake policy. If you choose to cancel or nonrenew your CEA earthquake insurance policy, your CEA earthquake insurance policy will be canceled and that cancellation will have no effect on your policy of residential property insurance. If you fail to cancel or nonrenew your CEA earthquake insurance policy, and also fail to pay the CEA earthquake insurance policy premium and surcharge by

the payment deadline, both your CEA earthquake insurance policy and your policy of residential property insurance will be canceled. IF YOU WANT EARTHQUAKE INSURANCE PROVIDED BY THE CEA, YOU MUST PAY THE PREMIUM FOR THE CEA EARTHQUAKE INSURANCE POLICY AND THE SURCHARGE.

(c) The total amount of indebtedness and policy surcharges authorized under this section shall not exceed ~~the sum calculated pursuant to paragraph (3) of subdivision (a) of Section 10089.23, and in no event exceed~~ one billion dollars ($1,000,000,000) plus costs of issuance and sale of those revenue bonds or other debt and amounts paid or payable to bond issuers and providers of credit support and letters of credit for, and interest on, those revenue bonds or other debt, regardless of the frequency or severity of earthquake losses ~~at any and all times subsequent to~~ after the creation of the authority. Once the authority has levied policy surcharges in an amount ~~equal to the sum calculated pursuant to paragraph (3) of subdivision (a) of Section 10089.23, and in no event~~ no more than one billion dollars ($1,000,000,000) plus costs of issuance and sale of those revenue bonds or other debt and amounts paid or payable to bond issuers and providers of credit support and letters of credit for, and interest on, those revenue bonds or other debt, the authority's power to surcharge policies shall cease and the authority shall be prohibited from levying additional surcharges pursuant to this section.

(d) Consistent with the provisions of Section 676, the authority shall cancel the policy of basic residential earthquake insurance if the policyholder fails to pay the earthquake policy surcharge authorized by the authority, and the insurer shall cancel the policy of residential property insurance if the policyholder fails to pay the policy surcharge authorized by the authority.

(e) In consultation with a consulting actuary employed or hired by the authority, the board shall adopt a methodology to determine the amount and cost of reinsurance or other risk transfer the authority was able to forgo in reliance on the authority's ability to surcharge pursuant to this section. The actuarial methodology shall be reported to the board and the public. The board shall direct an actuary to apply that methodology annually to calculate the amount of risk-transfer premium not expended, if any, as a result of having the ability to surcharge pursuant to this section. The actuary's calculation shall be reported to the board, and if acceptable, approved by the board and reported to the public.

SEC. 6. Section 10089.30 of the Insurance Code is amended to read:

10089.30. ~~If~~ (a) The board shall have the power to assess participating insurers an aggregate of up to three billion dollars ($3,000,000,000) for a single earthquake event if claims and claim expenses ~~paid~~ incurred by the authority due to earthquake events exhaust the total of ~~(a)~~ the following:

(1) The authority's available ~~capital, (b) the~~ capital.

(2) The maximum amount of all insurer capital contributions and assessments pursuant to Sections 10089.15 and ~~10089.23, (c) all~~ 10089.23.

(3) All reinsurance and risk transfer available through capital market contracts that are actually available and under contract to the ~~authority, (d) the~~ authority.

(4) The maximum amount of all authority policyholder assessments pursuant to Section ~~10089.29, and (e) all~~ 10089.29.

(5) All capital committed and actually available from the private capital ~~markets, the board, subject to the approval of the commissioner, shall have the power to assess~~

~~participating insurance companies subject to the maximum limits in this section. Each~~ markets.

(b) A participating insurer's assessment shall be determined by multiplying the percentage share of the authority's total gross written premium attributable to that participating insurer's sales of authority insurance policies, as of April 30 of the immediately preceding year or the most recent year for which premium data not more than one year old are available, by the amount of the total assessment sought by the authority. ~~The total amount of all assessments levied against participating insurance companies by the authority pursuant to this section shall not exceed two billion dollars ($2,000,000,000), regardless of the frequency or severity of earthquake losses at any and all times subsequent to the creation of the authority. Once~~

(c) Once a participating insurer has paid, pursuant to this section, amounts equal to its percentage share of the authority's total gross written premium, multiplied by ~~two~~ three billion dollars ~~($2,000,000,000) reduced from the maximum assessment as provided in paragraph (3) of subdivision (a) of Section 10089.23,~~ ($3,000,000,000), the authority's power to assess that insurer under this section shall cease and the authority shall be prohibited from levying additional assessments on that insurer for that single earthquake event pursuant to this section. ~~The~~

(d) The assessment shall be limited to the amount necessary to pay the expected claims and claim expenses of the authority and return the authority's available capital to ~~three hundred fifty~~ five hundred million dollars ~~($350,000,000),~~ ($500,000,000), as determined by the ~~board, subject to approval by the commissioner.~~ board.

SEC. 7. Section 10089.31 of the Insurance Code is repealed.

~~10089.31. If claims and claim expenses paid by the authority due to earthquake events that commence on or after December 1, 2008, exhaust the total of all (a) the authority's available capital, (b) the maximum amount of all insurer capital contributions and assessments pursuant to Sections 10089.15, 10089.23, and 10089.30, (c) all reinsurance actually available and under contract to the authority, (d) the maximum amount of all authority policyholder assessments pursuant to Section 10089.29, and (e) all capital committed and actually available from the private capital markets, the board, beginning December 1, 2008, for earthquake events commencing on or after December 1, 2008, shall have the power to assess participating insurance companies subject to the maximum limits in this section. Each participating insurer's assessment shall be determined by multiplying the percentage share of the authority's total gross written premium attributable to that participating insurer's sales of authority insurance policies as of April 30 of the immediately preceding year, or the most recent year for which premium data not more than one year old are available, by the amount of the total assessment sought by the authority. The total amount of all assessments levied against participating insurance companies by the authority pursuant to this section shall not exceed one billion seven hundred eighty million dollars ($1,780,000,000), regardless of the frequency or severity of earthquake losses at any and all times subsequent to the creation of the authority. Once a participating insurer has paid pursuant to this section amounts equal to its percentage share of the authority's total gross written premium, multiplied by one billion seven hundred eighty million dollars ($1,780,000,000) reduced as provided in paragraph (3) of subdivision (a) of Section 10089.23 from the maximum assessment, which is to be reduced periodically pursuant to subdivision (b) of Section 10089.33, or upon the earlier occurrence of the effective date stated in paragraph (6)~~

~~of subdivision (b) of Section 10089.33, the authority's power to assess that insurer under this section shall cease and the authority shall be prohibited from levying additional assessments on that insurer pursuant to this section. The assessment shall be limited to the amount necessary to pay the expected claims and claim expenses of the authority and return the authority's available capital to three hundred fifty million dollars ($350,000,000), as determined by the board.~~

SEC. 8. Section 10089.315 is added to the Insurance Code, to read:

10089.315. (a) (1) The authority shall determine and collect a statewide assessment on assessable insurance policies, as authorized in this section, and sell investment grade revenue bonds, issue or secure other debt financing of the authority, or issue or secure a combination of revenue bonds or debt financing in an amount determined by the board if claims and claim expenses incurred by the authority due to earthquake events exhaust the total of the following:

(A) The authority's available capital.

(B) The maximum amount of all insurer capital contributions and assessments pursuant to Sections 10089.15, 10089.23, and 10089.30.

(C) All reinsurance and risk transfer available through capital market contracts that are actually available and under contract to the authority.

(D) The maximum amount of all authority policyholder assessments pursuant to Section 10089.29.

(E) All capital committed and actually available from the private capital markets.

(F) All capital available in the CEA Policyholder Surcharge Reserve Fund and the P&C Policyholder Assessment Reserve Fund.

(2) The Treasurer may act as agent for the sale of revenue bonds and shall make available the net proceeds of the revenue bonds or debt financing as funding for the authority. Failure of the authority to obtain that funding shall not obligate the State of California to provide or arrange replacement funding for the authority. The Treasurer may sell revenue bonds for the purpose of refunding the revenue bonds or other debt financing, and the proceeds of assessments authorized by this section may be used to repay that funding.

(b) The board shall establish the assessment to be collected by assessable insurers from assessable insureds upon issuance or renewal of assessable insurance policies. The assessment shall be established as follows:

(1) The board shall determine assessments based on the earthquake risk for the location of the assessable insured, consistent with the authority's underwriting standards in effect at the time of the assessment.

(2) The assessment on an assessable insured's policy in a year shall not exceed one percent of the annual insurance premium for that policy, and shall not have a duration of more than 10 years.

(3) The board may redetermine the assessment annually to account for changes in the circumstances giving rise to the assessment.

(4) The authority's aggregate claim paying capacity shall not have more than 25 percent of that capacity based on the aggregate assessment authorized by this section.

(c) The authority shall notify assessable insurers of the date on which assessable insurers shall begin to collect, and assessable insureds shall begin to pay, a board-authorized assessment.

(d) The amount of an assessment shall be separately stated on either a billing or policy declaration sent to an assessable insured. The authority shall determine the rate of the assessment pursuant to subdivision (b) and determine the collection period, which shall be mandatory for all assessable insureds. Assessable insurers who collect assessments in excess of the assessment charge shall remit the excess to the authority within 30 days after the authority has determined the amount of the excess recoupment and has given notice to the assessable insurer of that amount. The excess shall be applied to reduce future assessment charges.

(e) Proceeds of the assessment shall be transmitted to the authority within 30 days after the end of the quarter in which the proceeds were collected. The assessments shall be used solely to repay the bonded indebtedness or other debt described in subdivision (a), plus costs of issuance and sale of those revenue bonds or other debt, and amounts paid or payable to bond issuers and providers of credit support and letters of credit for, and interest on, those revenue bonds or other debt, plus other premiums or expenses related to the assessment authorized by this section.

(f) Assessments collected under this section are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions. Failure to pay the assessment shall be treated as failure to pay premium.

(g) In consultation with a consulting actuary employed or hired by the authority, the board shall adopt a methodology to determine the amount and cost of reinsurance or other risk transfer the authority was able to forgo in reliance on the authority's ability to issue assessments pursuant to this section. The actuarial methodology shall be reported to the board and the public. The board shall direct an actuary to apply that methodology annually to calculate the amount of risk transfer premium not expended, if any, as a result of having the ability to issue assessments pursuant to this section. The actuary's calculation shall be reported to the board, and if acceptable, approved by the board and reported to the public.

SEC. 9. Section 10089.316 is added to the Insurance Code, to read:

10089.316. (a) The board shall direct an actuary to apply annually the actuarial methodology prescribed pursuant to subdivision (e) of Section 10089.29 and subdivision (g) of Section 10089.315 to calculate the risk transfer expense not incurred by the authority, if any, as a result of having the ability to issue a surcharge pursuant to Section 10089.29 and an assessment pursuant to Section 10089.315. The actuary's calculations shall be reported to the board, and, if acceptable, approved by the board and reported to the public.

(b) The board shall establish the CEA Policyholder Surcharge Reserve Fund, the P&C Policyholder Assessment Reserve Fund, and the California Resiliency Fund, each of which shall be maintained as a subaccount in the California Earthquake Authority Fund. Each subaccount shall be segregated and invested in accordance with the authority's board-approved investment policy in effect at the time of creation. Notwithstanding any other provision of this chapter, funds allocated to the CEA Policyholder Surcharge Reserve Fund, the P&C Policyholder Assessment Reserve Fund, and the California Resiliency Fund shall not be considered available capital of the authority, as defined in subdivision (e) of Section 10089.5.

(c) The CEA Policyholder Surcharge Reserve Fund shall be exhausted before the imposition of a surcharge pursuant to Section 10089.29.

(d) The P&C Policyholder Assessment Reserve Fund shall be exhausted before the imposition of an assessment pursuant to Section 10089.315.

(e) The authority shall develop the operational rules of the California Resiliency Fund as part of the authority's plan of operations. Upon the development and implementation of a system, satisfactory to the board, to establish prudent controls over the use and distribution of funds in the California Resiliency Fund, the funds may be expended directly or indirectly by the authority or applied to supply grants and loans or loan guarantees for purposes associated with protecting residential properties, and aiding the post-event recovery of their residents, from damage and harm arising from the occurrence of natural catastrophes, including, but not limited to, damage and harm caused by earthquakes, wildfires, and floods.

(f) The board shall transfer annually the amount calculated and approved pursuant to subdivision (a) as follows:

(1) Fifty percent of the amount calculated and approved pursuant to subdivision (a), up to one hundred million dollars ($100,000,000), to the California Resiliency Fund.

(2) Twenty-five percent of the amount calculated and approved pursuant to subdivision (a) apportioned between the CEA Policyholder Surcharge Reserve Fund and the P&C Policyholder Assessment Reserve Fund according to their respective maximum available assessments.

(3) Twenty-five percent of the amount calculated and approved pursuant to subdivision (a) to fund measures adopted by the board to stabilize premium rates of authority earthquake insurance policyholders.

SEC. 10. Section 10089.33 of the Insurance Code is repealed.

~~10089.33. (a) If the average daily balance of the authority's available capital exceeds six billion dollars ($6,000,000,000) for the last 180 days of any calendar year, the board shall relieve all participating insurers of their obligation to pay additional earthquake loss assessments under Section 10089.30, by an aggregate amount equal to the amount of available capital in excess of six billion dollars ($6,000,000,000). Each December 31 thereafter, the board shall further reduce the aggregate assessment authorized under Section 10089.30 by the net increase in available capital in excess of the previous levels of available capital at which a reduction in the aggregate Section 10089.30 assessment was made. No reduction pursuant to this subdivision shall exceed 15 percent of the original aggregate Section 10089.30 assessment in any year of operation of the authority.~~

~~(b) Commencing April 1, 2010, and on each April 1 thereafter, but only in years that such relief is authorized by this subdivision, the board shall reduce the combined assessment obligation of all participating insurers under Section 10089.31 by 5 percent of the maximum aggregate Section 10089.31 assessment authorized as of January 1, 2009, as provided in this subdivision. Each year of Section 10089.31 assessment reduction is referred to in this subdivision as an "assessment-reduction year." Assessment reductions shall take place as follows:~~

~~(1) Unless the authority has made payments and established appropriate reserves for claims and claim expenses, including for losses incurred but not reported, that in the aggregate exceeded five hundred million dollars ($500,000,000) on account of a single earthquake event commencing in 2009, as certified by the authority's consulting actuary and accepted by the board, and the authority's available capital as of January~~

~~1, 2010, did not exceed the authority's available capital as of December 1, 2008, then effective April 1, 2010, the maximum aggregate Section 10089.31 assessment shall be reduced by an amount equal to the sum of an amount equal to 5 percent of the initial maximum aggregate Section 10089.31 assessment amount and an amount equal to the retained earnings differential, and 2009 shall be an assessment-reduction year.~~

~~(2) Unless the authority has made payments and established appropriate reserves for claims and claim expenses, including for losses incurred but not reported, that in the aggregate exceeded five hundred million dollars ($500,000,000) on account of a single earthquake event commencing in 2010, as certified by the authority's consulting actuary and accepted by the board and the authority's available capital as of January 1, 2011, did not exceed the authority's available capital as of December 1, 2008, then effective April 1, 2011, the maximum aggregate Section 10089.31 assessment shall be reduced by an amount equal to the sum of an amount equal to 5 percent of the initial maximum aggregate Section 10089.31 assessment amount and an amount equal to the retained earnings differential, and 2010 shall be an assessment-reduction year.~~

~~(3) Beginning in 2012 and each year thereafter, unless the authority made payments and established appropriate reserves for claims and claim expenses, including for losses incurred but not reported, that in the aggregate exceeded five hundred million dollars ($500,000,000) on account of all earthquake events commencing in the preceding year, as certified by the authority's consulting actuary and accepted by the board and the authority's available capital as of January 1 of that year did not exceed the authority's available capital as of December 1, 2008, then effective April 1 of that year, the maximum aggregate Section 10089.31 assessment shall be reduced by an amount equal to the sum of an amount equal to 5 percent of the initial maximum aggregate Section 10089.31 assessment amount and an amount equal to the retained earnings differential, and the preceding year shall be an assessment-reduction year.~~

~~(4) If through operation of this subdivision a year is not deemed an assessment-reduction year, no subsequent year shall be an assessment reduction year unless and until either the authority's available capital as of a subsequent April 1 exceeds the authority's available capital as of December 1, 2008; or the limitation established in paragraph (5), below, occurs.~~

~~(5) No more than two annual periods may be deemed not to constitute assessment-reduction years.~~

~~(6) Effective on the day after the last day of the 10th assessment-reduction year authorized by the board, the remaining maximum aggregate Section 10089.31 assessment shall be reduced to zero.~~

~~(7) As used in this section, "retained earnings differential" means the positive dollar-amount difference between: (A) the authority's positive one-year retained-earnings growth for the preceding calendar year, minus (B) the authority's capacity growth for the preceding calendar year, both calculated as of December 31. As used in this paragraph, "one-year retained-earnings growth" means the difference between the authority's cumulative retained earnings at December 31 of the preceding calendar year and the authority's cumulative retained earnings at December 31 of the year before the preceding calendar year, calculated in accordance with generally accepted accounting principles as of the preceding December 31. As used in this paragraph, the term "capacity growth" is the one-year amount of purchased risk transfer, such as reinsurance, or borrowed risk transfer such as bonds, put in place in the~~

~~authority's financial structure to account for the authority's aggregate exposure growth over the preceding year ending December 31. The board shall be authorized and entitled, in its sole discretion, to make all final decisions regarding the authority's level of financial strength and security and the authority's choice and use of financing and risk-transfer mechanisms. As used in this paragraph, the term "aggregate exposure" means the aggregate of the limits of liability under all coverages of all earthquake insurance policies issued by the authority.~~

~~(c) In no event shall the board reinstate, in whole or in part, any assessment obligation it has reduced pursuant to this section.~~

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would make legislative findings and declarations as to the necessity of a special statute for the cities of Long Beach, Los Angeles, Oakland, and Sacramento.

~~Existing law regulates the terms and conditions of tenancies of real property. Existing law provides that a tenant for years or at will has no other rights to the property than those given by the agreement or instrument by which the tenancy is acquired, or by another specified provision of law.~~

~~This bill would make nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

AMENDMENTS TO ASSEMBLY BILL NO. 2930

Amendment 1
In the title, in line 1, strike out "Section 820" and insert:

Sections 3485 and 3486.5

Amendment 2
On page 1, before line 1, insert:

SECTION 1. Section 3485 of the Civil Code is amended to read:

3485. (a) To abate the nuisance caused by illegal conduct involving an unlawful weapons or ammunition on real property, the city prosecutor or city attorney may file, in the name of the people, an action for unlawful detainer against any person who is in violation of the nuisance or illegal purpose provisions of subdivision 4 of Section 1161 of the Code of Civil Procedure, with respect to that unlawful weapons or ammunition purpose. In filing this action, which shall be based upon an arrest or warrant by a law enforcement agency, reporting an offense committed on the property and documented by the observations of a law enforcement officer or agent, the city prosecutor or city attorney shall utilize the procedures set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, except that in cases filed under this section, the following also shall apply:

(1) (A) Prior to filing an action pursuant to this section, the city prosecutor or city attorney shall give 30 calendar days' written notice to the owner, requiring the owner to file an action for the removal of the person who is in violation of the nuisance or illegal purpose provisions of subdivision 4 of Section 1161 of the Code of Civil Procedure with respect to an unlawful weapons or ammunition purpose.

(B) This notice shall include sufficient documentation establishing a violation of the nuisance or illegal purpose provisions of subdivision 4 of Section 1161 of the Code of Civil Procedure and an advisement to the owner of the assignment provision contained in subparagraph (D). The notice shall be served upon the owner and the tenant in accordance with subdivision (e).

(C) The notice to the tenant shall, in at least 14-point bold type, meet the following requirements:

(i) The notice shall contain the following language:

"(Date)

(Name of tenant)
(Address of tenant)

Re: Civil Code Section 3485

Dear (name of tenant):

This letter is to inform you that an eviction action may soon be filed in court against you for suspected firearms activity. According to state law, Civil Code Section 3485 provides for eviction of persons engaging in such conduct, as described below.

(Name of police department) records indicate that you, (name of arrestee), were arrested on (date) for violations of (list violations) on (address of property).

A letter has been sent to the property owner(s) advising of your arrest and the requirements of state law, as well as the landlord's option to assign the unlawful detainer action to the (name of city attorney or prosecutor's office).

A list of legal assistance providers is provided below. Please note, this list is not exclusive and is provided for your information only; the (name of city attorney or prosecutor's office) does not endorse or recommend any of the listed agencies.

Sincerely,

(Name of deputy city attorney or city prosecutor)
Deputy City (Attorney or Prosecutor)

Notice to Tenant: This notice is not a notice of eviction. You should call (name of the city attorney or prosecutor pursuing the action) at (telephone number) or a legal assistance provider to stop the eviction action if any of the following is applicable:

(1) You are not the person named in this notice.

(2) The person named in the notice does not live with you.

(3) The person named in the notice has permanently moved.

(4) You do not know the person named in the notice.

(5) You want to request that only the person involved in the nuisance be evicted, allowing the other residents to stay.

(6) You have any other legal defense or legal reason to stop the eviction action. A list of legal assistance providers is attached to this notice. Some provide free legal assistance if you are eligible."

(ii) The notice shall be provided to the tenant in English and, as translated, in all of the languages identified in subdivision (b) of Section 1632 of the Civil Code.

(D) The owner shall, within 30 calendar days of the mailing of the written notice, either provide the city prosecutor or city attorney with all relevant information pertaining to the unlawful detainer case, or provide a written explanation setting forth any safety-related reasons for noncompliance, and an assignment to the city prosecutor or city attorney of the right to bring an unlawful detainer action against the tenant.

(E) The assignment shall be on a form provided by the city prosecutor or city attorney and may contain a provision for costs of investigation, discovery, and reasonable attorney's fees, in an amount not to exceed six hundred dollars ($600). An owner shall only be required to pay the costs or fees upon acceptance of the assignment and the filing of the action for unlawful detainer by the city prosecutor or the city attorney.

(F) If the city prosecutor or city attorney accepts the assignment of the right of the owner to bring the unlawful detainer action, the owner shall retain all other rights and duties, including the handling of the tenant's personal property, following issuance of the writ of possession and its delivery to and execution by the appropriate agency.

(2) Upon the failure of the owner to file an action pursuant to this section, or to respond to the city prosecutor or city attorney as provided in paragraph (1), or having filed an action, if the owner fails to prosecute it diligently and in good faith, the city prosecutor or city attorney may file and prosecute the action, and join the owner as a defendant in the action. This action shall have precedence over any similar proceeding thereafter brought by the owner, or to one previously brought by the owner and not prosecuted diligently and in good faith. Service of the summons and complaint upon the defendant owner shall be in accordance with Sections 415.10, 415.20, 415.30, 415.40, and 415.50 of the Code of Civil Procedure.

(3) If a jury or court finds the defendant tenant guilty of unlawful detainer in a case filed pursuant to paragraph (2), the city prosecutor or city attorney may be awarded costs, including the costs of investigation and discovery and reasonable attorney's fees. These costs shall be assessed against the defendant owner, to whom notice was directed pursuant to paragraph (1), and once an abstract of judgment is recorded, it shall constitute a lien on the subject real property.

(4) This section shall not prevent a local governing body from adopting and enforcing laws, consistent with this section, relating to weapons or ammunition abatement. If local laws duplicate or supplement this section, this section shall be construed as providing alternative remedies and not preempting the field.

(5) This section shall not prevent a tenant from receiving relief against a forfeiture of a lease pursuant to Section 1179 of the Code of Civil Procedure.

(6) In an unlawful detainer action filed pursuant to this section, the court shall make one of the following orders:

(A) If the grounds for an eviction have not been established pursuant to this section, the court shall dismiss, without prejudice, the unlawful detainer action.

(B) If the grounds for an eviction have been established pursuant to this section, the court shall do either of the following:

(i) Order that the tenant and all occupants be immediately evicted from the property.

(ii) Dismiss the unlawful detainer action with or without prejudice or stay execution of an eviction order for a reasonable length of time if the tenant establishes by clear and convincing evidence that the immediate eviction would pose an extreme hardship to the tenant and that the hardship outweighs the health, safety, or welfare of the neighbors or surrounding community. The court shall not find an extreme hardship solely on the basis of economic hardship or the financial inability of the tenant to pay for and secure other housing or lodging accommodations.

(C) If the grounds for a partial eviction have been established pursuant to subdivision (b), the court shall order that those persons be immediately removed and barred from the property, but the court shall not order the tenancy be terminated.

(b) In any proceeding brought under this section, the court may, upon a showing of good cause, issue a partial eviction ordering the removal of any person, including, but not limited to, members of the tenant's household if the court finds that the person has engaged in the activities described in subdivision (a). Persons removed pursuant to this section may be permanently barred from returning to or reentering any portion of the entire premises. The court may further order as an express condition of the tenancy that the remaining tenants shall not give permission to or invite any person who has been removed pursuant to this subdivision to return to or reenter any portion of the entire premises.

(c) For purposes of this section, "unlawful weapons or ammunition purpose" means the illegal use, manufacture, causing to be manufactured, importation, possession, possession for sale, sale, furnishing, or giving away of any of the following:

(1) A firearm, as defined in subdivision (a) of Section 16520 of the Penal Code.

(2) Any ammunition, as defined in subdivision (b) of Section 16150 of the Penal Code or in Section 16650 or 16660 of the Penal Code.

(3) Any assault weapon, as defined in Section 30510 or 30515 of the Penal Code.

(4) Any .50 BMG rifle, as defined in Section 30530 of the Penal Code.

(5) Any tear gas weapon, as defined in Section 17250 of the Penal Code.

(d) Notwithstanding subdivision (b) of Section 68097.2 of the Government Code, a public entity may waive all or part of the costs incurred in furnishing the testimony of a peace officer in an unlawful detainer action brought pursuant to this section.

(e) The notice and documentation described in paragraph (1) of subdivision (a) shall be given in writing and may be given either by personal delivery or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the owner at the address known to the public entity giving the notice, or as shown on the last equalized assessment roll, if not known. Separate notice of not less than 30 calendar days and documentation shall be provided to the tenant in accordance with this subdivision. Service by mail shall be deemed to be completed at the time of deposit in the United States mail. Proof of giving the notice may be made by a declaration signed under penalty of perjury by any employee of the public entity which shows service in conformity with this section.

(f) This section shall apply only to the following courts:

(1) In the County of Los Angeles, any court having jurisdiction over unlawful detainer cases involving real property situated in the City of Los Angeles or the City of Long Beach.

(2) In the County of Sacramento, any court with jurisdiction over unlawful detainer cases involving real property situated in the City of Sacramento.

(3) In the County of Alameda, any court with jurisdiction over unlawful detainer cases involving real property situated in the City of Oakland.

(g) (1) In a template provided by the California Research Bureau, the city attorney and city prosecutor of each participating jurisdiction shall provide to the California Research Bureau the following information:

(A) The number of notices provided pursuant to paragraph (1) of subdivision (a).

(B) For each notice provided pursuant to paragraph (1) of subdivision (a), the following information:

(i) The name and age, as provided by the landlord, of each person residing at the noticed address.

(ii) The racial or ethnic identity of the tenant against whom the unlawful detainer is sought.

(iii) Whether the person has previously received a notice pursuant to this section from the reporting city attorney or city prosecutor, and if so, whether the tenant vacated or was evicted as a result.

(iv) The date the initial notice was issued.

(C) Whether the tenant has previously been arrested (other than an arrest that is the basis of this notice) for any of the offenses specified in subdivision (c).

(D) Whether, upon notice, the case was filed by the owner, and if so, the filing date and number.

(E) Whether the assignment was executed by the owner to the city attorney or city prosecutor.

(F) Whether 3-day, 30-day, or 60-day notices were issued by the city attorney or city prosecutor, and if so, the date each was issued.

(G) Whether the case was filed by the city attorney or city prosecutor, and if so, the filing date and case number.

(H) Whether the owner was joined as a defendant pursuant to this section.

(I) For the cases filed by an owner, the city attorney, or the city prosecutor, the following information:

(i) If a judgment was entered, the date of the judgment, whether the judgment ordered an eviction or partial eviction, and whether the judgment was a default judgment, stipulated judgment, or judgment following trial.

(ii) Whether the case was withdrawn or in which the tenant prevailed.

(iii) Whether there was another disposition, and specifying the type of disposition.

(iv) Whether the defendant was represented by counsel.

(v) Whether the case was a trial by the court or a trial by a jury.

(vi) Whether an appeal was taken, and, if so, the result of the appeal and the date of the result.

(vii) Whether a partial eviction was requested, and whether the court ordered a partial eviction.

(J) For the cases in which a notice was provided pursuant to subdivision (a), but no case was filed, the following information:

(i) Whether a tenant voluntarily vacated subsequent to receiving the notice, and if so, the date vacated.

(ii) Whether a tenant vacated a unit prior to the providing of the notice, and if so, the date vacated.

(iii) Whether the notice provided pursuant to subdivision (a) was erroneously sent to the tenant. This shall include a list of the reasons, if known, for the erroneously sent notice, such as reliance on information on the suspected violator's name or address that was incorrect, a clerical error, or any other reason.

(iv) Whether there was another resolution, and specifying the type of resolution.

(K) The street address, city, and ZIP Code of residence where the tenants relocated, to the extent known.

(L) Whether the tenant continued to engage in unlawful activity at his or her new place of residence, to the extent known.

(2) (A) Information compiled pursuant to this section shall be reported annually to the California Research Bureau on or before January 20.

(B) The California Research Bureau shall thereafter submit a brief report to the Senate and Assembly Committees on Judiciary once on or before March 20, ~~2016,~~ ____, and once on or before March 20, ~~2018,~~ ____, summarizing the information collected pursuant to this section and evaluating the merits of the programs established by this section. The report shall be submitted in compliance with Section 9795 of the Government Code.

(3) Personally identifiable information submitted to the California Research Bureau pursuant to this section shall be confidential and shall not be publicly disclosed.

(h) A defendant may raise as an affirmative defense, the failure of the participating jurisdiction to make a good faith effort to collect and timely report all information to the California Research Bureau required by subdivision (g) for the reporting period preceding the unlawful detainer action.

~~(i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

SEC. 2. Section 3486.5 of the Civil Code is amended to read:

3486.5. (a) Notwithstanding subdivision (g) of Section 3486, Section 3486 shall apply in the County of Sacramento, in any court with jurisdiction over unlawful detainer cases involving real property situated in the City of Sacramento and in the County of Alameda in any court having jurisdiction over unlawful detainer cases involving real property situated in the City of Oakland.

(b) (1) In a template provided by the California Research Bureau, the city attorney and city prosecutor of the County of Sacramento and the city attorney and city prosecutor of the City of Oakland shall provide to the California Research Bureau the following information pertaining to cases filed pursuant to Section 3486:

(A) The number of notices provided pursuant to paragraph (1) of subdivision (a) of Section 3486.

(B) For each notice provided pursuant to paragraph (1) of subdivision (a) of Section 3486, the following information:

(i) The name and age, as provided by the landlord, of each person residing at the noticed address.

(ii) The racial or ethnic identity of the tenant against whom the unlawful detainer is sought.

(iii) Whether the person has previously received a notice pursuant to this section from the reporting city attorney or city prosecutor, and if so, whether the tenant vacated or was evicted as a result.

(iv) The date the initial notice was issued.

(C) Whether the tenant has previously been arrested (other than an arrest that is the basis of this notice) for any of the offenses specified in subdivision (c) of Section 3486.

(D) Whether, upon notice, the case was filed by the owner, and if so, the filing date and case number.

(E) Whether the assignment was executed by the owner to the city attorney or prosecutor.

(F) Whether 3-day, 30-day, or 60-day notices were issued by the city attorney or city prosecutor, and if so, the date each was issued.

(G) Whether the case was filed by the city attorney or city prosecutor, and if so, the filing date and case number.

(H) Whether the owner is joined as a defendant pursuant to this section.

(I) For the cases filed by an owner, the city attorney, or the city prosecutor, the following information:

(i) If a judgment was entered, the date of the judgment, whether the judgment ordered an eviction or partial eviction, and whether the judgment was a default judgment, stipulated judgment, or judgment following trial.

(ii) Whether the case was withdrawn or the tenant prevailed.

(iii) Whether there was another disposition, and the type of disposition.

(iv) Whether the defendant was represented by counsel.

(v) Whether the case was a trial by the court or a trial by jury.

(vi) Whether an appeal was taken, and, if so, the result of the appeal and the date of the result.

(vii) Whether a partial eviction was requested, and whether the court ordered a partial eviction.

(J) For cases in which a notice was provided pursuant to subdivision (a) of Section 3486, but no case was filed, the following information:

(i) Whether a tenant voluntarily vacated subsequent to receiving the notice, and if so, the date vacated.

(ii) Whether a tenant vacated a unit prior to the providing of the notice, and if so, the date vacated.

(iii) Whether the notice provided pursuant to subdivision (a) of Section 3486 was erroneously sent to the tenant. This shall include a list of the reasons, if known, for the erroneously sent notice, such as reliance on information on the suspected violator's name or address that was incorrect, a clerical error, or other reason.

(iv) Whether there was another resolution and the type of resolution.

(K) The street address, city, and ZIP Code of residence where the tenants relocated, to the extent known.

(L) Whether the tenant continued to engage in unlawful activity at his or her new place of residence, to the extent known.

(2) (A) Information compiled pursuant to this section shall be reported annually to the California Research Bureau on or before January 20.

(B) The California Research Bureau shall thereafter submit a brief report to the Senate and Assembly Committees on Judiciary once on or before March 20, ~~2016,~~ ____, and once on or before March 20, ~~2018,~~ ____, summarizing the information collected pursuant to this section and evaluating the merits of the pilot programs established by this section. The report for this section shall be submitted in compliance with Section 9795 of the Government Code and may be combined with the California Research Bureau report submitted for the pilot program established by Section 3485. The 2018 report shall indicate whether the City of Sacramento and the City of Oakland have regularly reported to the bureau.

(3) Personally identifiable information submitted to the California Research Bureau pursuant to this section shall be confidential and shall not be publicly disclosed.

(c) A participating jurisdiction shall not be permitted to file, in the name of the people, an action for unlawful detainer pursuant to this section unless that jurisdiction has made a good faith effort to collect and timely report all information to the California Research Bureau required by subdivision (b).

~~(d) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 4. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the particular needs of the cities identified in this act and their unique experience with the law as it currently exists.

Amendment 3

On page 1, strike out lines 1 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2967

Amendment 1

In the title, in line 1, after "act" insert:

to add Part 7 (commencing with Section 6470) to Division 10 of the Family Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Part 7 (commencing with Section 6470) is added to Division 10 of the Family Code, to read:

PART 7. BATTERER'S PROGRAM

6470. (a) A batterer's program that has been approved by a probation department pursuant to Section 1203.097 of the Penal Code shall make its services available to a person who voluntarily applies for enrollment in the batterer's program, subject to any other law and the enrollment criteria of the batterer's program, without requiring that the person be referred to the batterer's program by a court or probation department or be the subject of any criminal, civil, or juvenile proceedings.

(b) The probation department is not required to verify the batterer's program's compliance with subdivision (a) for purposes of the probation department's approval process under Section 1203.097 of the Penal Code.

(c) This section does not affect the requirements described in Section 1203.097 of the Penal Code for purposes of a person participating in a batterer's program as a term of probation pursuant to Section 1203.097 of the Penal Code, and does not affect the requirements described in Section 6343 for purposes of a person subject to a protective order and participating in a batterer's program pursuant to Section 6343.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 2, strike out lines 1 to 3, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2968

Amendment 1

In the title, in line 1, strike out "Section 105" and insert:

Sections 337 and 728

Amendment 2

In the title, in line 2, strike out "consumer affairs." and insert:

healing arts.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Section 337 of the Business and Professions Code is amended to read:

337. (a) The department shall prepare and disseminate an informational brochure for victims of ~~psychotherapist-patient~~ psychotherapist-client sexual behavior and sexual contact and ~~advocates for those victims.~~ their advocates. This brochure shall be developed by the ~~department in consultation with members of the Sexual Assault Program of the Office of Criminal Justice Planning and the office of the Attorney General.~~ department.

(b) The brochure shall include, but is not limited to, the following:

(1) A legal and an informal definition of ~~psychotherapist-patient~~ psychotherapist-client sexual behavior and sexual contact.

(2) A brief description of common personal ~~reactions and histories of victims and victim's families.~~ reactions.

(3) A ~~patient's~~ client's bill of rights.

(4) ~~Options~~ Instructions for reporting ~~psychotherapist-patient sexual relations and instructions for each reporting option.~~ psychotherapist-client sexual behavior and sexual contact.

(5) A full description of ~~administrative, civil, and professional associations~~ administrative complaint procedures.

(6) A description of services available for support of victims.

(c) The brochure shall be provided to each individual contacting the Medical Board of ~~California and affiliated health boards~~ California, the Osteopathic Medical Board of California, the Board of Psychology, or the Board of Behavioral Sciences regarding a complaint involving ~~psychotherapist-patient sexual relations.~~ psychotherapist-client sexual behavior and sexual contact.

SEC. 2. Section 728 of the Business and Professions Code is amended to read:

728. (a) Any psychotherapist or employer of a psychotherapist who becomes aware through a ~~patient~~ client that the ~~patient~~ client had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the

course of a prior treatment shall provide to the ~~patient~~ client a brochure ~~promulgated~~ developed by the department pursuant to Section 337 that delineates the rights of, and remedies for, ~~patients~~ clients who have been involved sexually with their psychotherapists. Further, the psychotherapist or employer shall discuss with the ~~patient~~ client the brochure prepared by the department.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

(1) "Psychotherapist" means ~~a physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy, a psychologist, a clinical social worker, a marriage and family therapist, a licensed professional clinical counselor, a psychological assistant, a marriage and family therapist registered intern or trainee, an intern or clinical counselor trainee, as specified in Chapter 16 (commencing with Section 4999.10), or an associate clinical social worker.~~ any of the following:

(A) A physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy.

(B) A psychologist.

(C) A psychological assistant.

(D) A registered psychologist.

(E) A trainee under the supervision of a licensed psychologist.

(F) A marriage and family therapist.

(G) An associate marriage and family therapist.

(H) A marriage and family therapist trainee.

(I) A licensed educational psychologist.

(J) A clinical social worker.

(K) An associate clinical social worker.

(L) A licensed professional clinical counselor.

(M) An associate professional clinical counselor.

(N) A clinical counselor trainee.

(2) "Sexual behavior" means inappropriate contact or communication of a sexual nature. "Sexual behavior" does not include the provision of appropriate therapeutic interventions relating to sexual issues.

~~(2)~~

(3) "Sexual contact" means the touching of an intimate part of another person.

~~(3)~~

(4) "Intimate part" and "touching" have the same meaning as defined in subdivisions (g) and (e), respectively, of Section 243.4 of the Penal Code.

~~(4)~~

(5) "The course of a prior treatment" means the period of time during which a ~~patient~~ client first commences treatment for services that a psychotherapist is authorized to provide under his or her scope of practice, or that the psychotherapist represents to the ~~patient~~ client as being within his or her scope of practice, until the ~~psychotherapist-patient~~ psychotherapist-client relationship is terminated.

76823

Amendment 4
On page 1, strike out lines 1 to 5, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 2971

Amendment 1
In the heading, in line 1, strike out "Member" and insert:

Members

Amendment 2
In the heading, in line 1, after "Calderon" insert:

and Cooley

Amendment 3
In the title, strike out lines 1 and 2 and insert:

An act to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state government.

Amendment 4
On page 1, before line 1, insert:

SECTION 1. Chapter 3.6 (commencing with Section 11366) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 3.6. REGULATORY REFORM

Article 1. Findings and Declarations

11366. The Legislature finds and declares all of the following:

(a) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500)) requires state agencies and the Office of Administrative Law to review regulations to ensure their consistency with current law and to consider the impacts of those regulations on the state's economy and businesses, including small businesses.

(b) However, the act does not require state agencies to individually review their regulations to identify overlapping, inconsistent, duplicative, or out-of-date regulations that may exist.

(c) At a time when the state's economy is slowly recovering, unemployment and underemployment continue to affect all Californians, especially older workers and younger workers who received college degrees in the last seven years but are still awaiting their first great job. With state government improving but in need of continued

fiscal discipline, it is important that state agencies systematically identify, publicly review, and reevaluate overlapping, inconsistent, duplicative, or out-of-date regulations, both to ensure they more efficiently implement and enforce current laws and to reduce unnecessary and outdated rules and regulations.

Article 2. Definitions

11366.1. (a) For the purposes of this chapter, the following definitions shall apply:

(1) "State agency" means a state agency, as defined in Section 11000.

(2) "Regulation" has the same meaning as provided in Section 11342.600.

(b) This chapter shall not apply to state agencies or activities described in Section 11340.9.

Article 3. State Agency Duties

11366.2. On or before January 1, 2021, each state agency shall do all of the following:

(a) Review all provisions of the California Code of Regulations adopted by that state agency.

(b) Identify any regulations that are duplicative, overlapping, inconsistent, or out-of-date.

(c) (1) Report to the Governor and the Legislature on the state agency's compliance with this chapter, including the number and content of regulations the state agency identifies as duplicative, overlapping, inconsistent, or out-of-date, and the state agency's planned actions to address those regulations.

(2) The report shall be submitted in compliance with Section 9795 of the Government Code.

Article 4. Repeal

11366.3. This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.

Amendment 5

On page 1, strike out lines 1 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2979

Amendment 1

In the title, in line 1, strike out "relating to workforce development." and insert:

to add Article 9 (commencing with Section 51490) to Chapter 3 of Part 28 of Division 4 of Title 2 of the Education Code, relating to career technical education.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 9 (commencing with Section 51490) is added to Chapter 3 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 9. State Seal of Career Technical Education Pathway Completion

51490. The State Seal of Career Technical Education Pathway Completion is established to recognize high school graduates who have attained a high level of knowledge and proficiency in fields of study within one of the 15 industry sectors described in the California Career Technical Education Model Curriculum Standards as adopted by the state board. The State Seal of Career Technical Education Pathway Completion shall be awarded by the Superintendent. School district participation in this program is voluntary.

51491. The purposes of the State Seal of Career Technical Education Pathway Completion are as follows:

(a) To encourage pupils to study career technical education.

(b) To encourage school districts to provide high-quality career technical education pathways leading to industry-recognized certification or licenses.

(c) To certify and recognize high achievement within career technical education pathways.

(d) To provide pupils with a tool to demonstrate occupational competency to employers.

(e) To provide postsecondary educational institutions with a method to recognize and give academic credit to applicants seeking admission.

(f) To prepare pupils with career-ready skills.

(g) To engage pupils in career exploration at an early age.

51492. The State Seal of Career Technical Education Pathway Completion certifies that a graduating high school pupil has attained a high level of proficiency in a career technical education pathway and meets all of the following criteria:

(a) Attained a 3.0 grade point average on a 4.0 scale for a sequence of career technical education courses taken in high school.

(b) Has one of the following:

(1) An industry recognized career technical education credential or certificate.

(2) A score of 80 percent or higher on an approved career technical education third party pathway assessment.

(3) A grade of B or higher in a college-level career technical education course taken through concurrent enrollment.

(c) Participation in an extracurricular activity relating to the career technical education pathway in which he or she is enrolled in, including, but not limited to, any of the following extracurricular activities:

(1) Active participation in a state recognized career technical student organization that meets regularly and either participates in or organizes events relating to the career technical education pathway or related industry sector.

(2) Participation in career-technical-education-based competitions.

(3) Internships with organizations or employers who work in the career technical education field or fields in which the pupil is enrolled.

(4) Participation in the research of an industry-related topic either done independently or in coordination with an industry professional.

51493. The Superintendent shall do both of the following:

(a) Prepare and deliver to participating school districts an appropriate insignia to be affixed to the diploma or transcript of the pupil indicating that the pupil has been awarded a State Seal of Career Technical Education Pathway Completion by the Superintendent.

(b) Provide other information he or she deems necessary for school districts to successfully participate in the program.

51494. A school district that participates in the program under this article shall do both of the following:

(a) Maintain appropriate records in order to identify pupils who have earned a State Seal of Career Technical Education Pathway Completion.

(b) Affix the appropriate insignia to the diploma or transcript of each pupil who earns a State Seal of Career Technical Education Pathway Completion.

51495. No fee shall be charged to a pupil to receive a State Seal of Career Technical Education Pathway Completion.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 2982

Amendment 1

In the title, in line 1, strike out "27202.1" and insert:

125050

Amendment 2

In the title, in line 1, strike out "Vehicle" and insert:

Public Utilities

Amendment 3

In the title, strike out line 2 and insert:

transportation.

Amendment 4

On page 1, before line 1, insert:

SECTION 1. Section 125050 of the Public Utilities Code is amended to read:

125050. There is hereby created, in that portion of the County of San Diego as described in Section 125052, the North County Transit District. The district shall be governed by a board of directors. As used in this division, "board" means the board of directors of the district. The board shall consist of members selected as follows:

(a) One member of the San Diego County Board of Supervisors appointed by the board of supervisors, which member shall represent, on the board of supervisors, the largest portion of the area under the jurisdiction of the district.

(b) One member of each of the City Councils of the Cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista, and each new city that incorporates within the district boundaries, appointed by the respective city council.

(c) One nonvoting member who shall be a member of the City Council of the City of San Diego.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 5
On page 1, strike out lines 1 to 7, inclusive, and strike out page 2

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AMENDMENTS TO ASSEMBLY BILL NO. 2984

Amendment 1

In the title, in line 1, strike out "Section 14002 of the Financial Code, relating to", strike out line 2 and insert:

Sections 22001, 22050, 22050.5, 22159, 22701, and 22713 of, and to add Section 22713.1 to, the Financial Code, relating to the California Financing Law.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 22001 of the Financial Code, as added by Section 6 of Chapter 475 of the Statutes of 2017, is amended to read:

22001. (a) This division shall be liberally construed and applied to promote its underlying purposes and policies, which are:

(1) To help ensure an adequate supply of credit to borrowers in this state.

(2) To simplify, clarify, and modernize the law governing loans made by finance lenders.

(3) To foster competition among finance lenders.

(4) To protect borrowers against unfair ~~practices by some lenders, having due regard for the interests of legitimate and scrupulous lenders.~~ lending and brokering practices.

(5) To permit and encourage the development of fair and economically sound lending practices.

(6) To encourage and foster a sound economic climate in this state.

(7) To protect property owners from deceptive and misleading practices ~~that threaten the efficacy and viability of~~ in property assessed clean energy financing programs.

(b) Consumer loans, as defined in Sections 22203 and 22204, are subject to this chapter, Chapter 2 (commencing with Section 22200), Article 1 (commencing with Section 22700) of Chapter 4, and Article 2 (commencing with Section 22750) of Chapter 4.

(c) Commercial loans, as defined in Section 22502, are subject to this chapter, Chapter 3 (commencing with Section 22500), Article 1 (commencing with Section 22700) of Chapter 4, and Article 3 (commencing with Section 22780) of Chapter 4.

(d) A program administrator, as defined in Section 22018, is subject to this chapter, Chapter 3.5 (commencing with Section 22680), and Article 1 (commencing with Section 22700) of Chapter 4.

(e) This section shall become operative on January 1, 2019.

SEC. 2. Section 22050 of the Financial Code is amended to read:

22050. (a) This division does not apply to any person doing business under any law of any state or of the United States relating to banks, trust companies, savings and loan associations, insurance premium finance agencies, credit unions, small business investment companies, community advantage lenders, California business and industrial

development corporations when acting under federal law or other state authority, or licensed pawnbrokers when acting under the authority of that license.

"Community advantage lender" means an entity authorized by the United States Small Business Administration to deliver community advantage loans.

(b) This division does not apply to a check casher who holds a valid permit issued pursuant to Section 1789.37 of the Civil Code when acting under the authority of that permit, and shall not apply to a person holding a valid license issued pursuant to Section 23005 of the Financial Code when acting under the authority of that license.

(c) This division does not apply to a college or university making a loan for the purpose of permitting a person to pursue a program or course of study leading to a degree or certificate.

(d) This division does not apply to a broker-dealer acting pursuant to a certificate then in effect and issued pursuant to Section 25211 of the Corporations Code.

(e) This division does not apply to any person who makes five or fewer loans in a ~~12-month period,~~ calendar year, these loans are commercial loans as defined in Section 22502, and the loans are incidental to the business of the person relying upon the exemption.

(f) This division does not apply to any public corporation as defined in Section 67510 of the Government Code, any public entity other than the state as defined in Section 811.2 of the Government Code, or any agency of any one or more of the foregoing, when making any loan so long as the public corporation, public entity, or agency of any one or more of the foregoing complies with all applicable federal and state laws and regulations.

SEC. 3. Section 22050.5 of the Financial Code is amended to read:

22050.5. (a) This division does not apply to any person who makes no more than one loan in a ~~12-month period~~ calendar year if that loan is a commercial loan as defined in Section 22502.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 4. Section 22159 of the Financial Code, as added by Section 56 of Chapter 475 of the Statutes of 2017, is amended to read:

22159. (a) Each finance lender, broker, and program administrator licensee shall file an annual report with the commissioner, on or before March ~~15th, giving~~ 15th. The report shall include the relevant information that the commissioner reasonably requires concerning the business and operations conducted by the licensee or authorized by the program administrator licensee within the state during the preceding calendar year for each licensed place of ~~business.~~ business, including, but not limited to, all loans made through a third party in connection with a contractual agreement with the licensee. The individual annual reports filed pursuant to this section shall be made available to the public for inspection except, upon request in the annual report to the commissioner, the balance sheet contained in the annual report of a sole proprietor or any other nonpublicly traded person. "Nonpublicly traded person" for purposes of this section means persons with securities owned by 35 or fewer individuals. The report shall be made under oath and in the form prescribed by the commissioner.

(b) A licensee shall make other special reports that may be required by the commissioner.

(c) The commissioner may require a licensee that employs one or more mortgage loan originators to submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in the form and shall contain the information as the Nationwide Mortgage Licensing System and Registry may require.

(d) The commissioner may by rule or order require a mortgage loan originator to submit reports of condition to the Nationwide Mortgage Licensing System and Registry, in lieu of the reports of condition required of his or her employer pursuant to subdivision (c).

(e) This section shall become operative on January 1, 2019.

SEC. 5. Section 22701 of the Financial Code, as added by Section 75 of Chapter 475 of the Statutes of 2017, is amended to read:

22701. (a) ~~For the purpose of discovering violations of this division or securing information required by him or her in the administration and enforcement of this division, the commissioner may at any time investigate the loans, assessment contracts, and business, and~~ (1) The commissioner shall, at least once every 48 months, and as often as the commissioner deems necessary and appropriate, examine the affairs of each finance lender, broker, or program administrator licensee for compliance with this division. The commission may, as often as the commissioner deems necessary and appropriate, examine the books, accounts, records, and files used in the ~~business,~~ business of every person engaged in the business of a finance lender, broker, or program administrator, whether the person acts or claims to act as principal or agent, or under or without the authority of this ~~division.~~ division in order to discover violations of this division or to secure information required in order to enforce the division. The commissioner shall appoint suitable persons to perform the examination. For the purpose of examination, the commissioner and his or her representatives shall have free access to the offices and places of business, books, accounts, papers, records, documents, files, safes, and vaults of all these ~~persons.~~ persons, and may examine the officers, directors, and employees of the person being examined, under oath, regarding the person's operations.

(2) In conducting the examination described in paragraph (1), the commissioner may cooperate with any agency of the state or federal government. The commissioner may accept an examination conducted by a state or federal agency in place of the mandatory 48-month examination required by paragraph (1), unless the commissioner determines that the examination conducted by the state or federal agency does not provide information necessary to enable the commissioner to fulfill his or her responsibilities under this division.

(b) After conducting an examination described in subdivision (a), the commissioner shall do all the following:

(1) Provide a written statement of the findings of the examination.

(2) Issue a copy of that statement to each licensee's principals, officers, or directors.

(3) Take appropriate steps to ensure correction of any violations of this division.

(c) The commissioner may subject an affiliate of a licensee to examination on the same terms as the licensee, but only when reports from, or examination of, a licensee provides documented evidence of unlawful activity between a licensee and the affiliate benefiting, affecting, or arising from the activities regulated by this division.

(d) The finance lender and broker licensee shall pay, and the commissioner shall assess, the reasonable expenses of any examination of the licensee and affiliates.

(e) The statement of the findings of an examination shall belong to the commissioner and shall not be disclosed to anyone other than the licensee, law enforcement officials, or other state or federal regulatory agencies for further investigation and enforcement. Reports required of licensees by the commissioner under this division and results of examinations performed by the commissioner under this division are the property of the commissioner. The commissioner may decline to disclose records described in this paragraph in response to a request made under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), pursuant to paragraph (2) of subdivision (b) of Section 6254 of the Government Code.

~~(b)~~

(f) This section shall become operative on January 1, 2019.

SEC. 6. Section 22713 of the Financial Code is amended to read:

22713. (a) (1) Whenever the commissioner believes from evidence satisfactory to the commissioner that any person has violated or is about to violate a provision of this division, or a provision of any order, license, decision, demand, requirement, or any regulation adopted pursuant to this division, the commissioner may, in the commissioner's discretion, bring an action, or the commissioner may request the Attorney General to bring an action in the name of the people of the State of California, against that person to enjoin that person from continuing that violation or doing any act in furtherance of the violation. ~~Upon~~

(2) Upon a proper showing, a court shall grant a permanent or preliminary injunction, restraining order, or writ of ~~mandate shall be granted~~ mandate, as appropriate. The court may also appoint a receiver, monitor, conservator, or other designated fiduciary or officer of the court for the defendant or for the defendant's assets, and grant any other ancillary relief ~~may be granted~~ as appropriate.

(3) A receiver, monitor, conservator, or other designated fiduciary or officer of the court appointed by the superior court pursuant to paragraph (2) may, with the approval of the court, exercise any or all of the powers of the defendant's officers, directors, partners, trustees or persons who exercise similar powers and perform similar duties, including the filing of a petition for bankruptcy. No action at law or in equity may be maintained by any party against the commissioner, or a receiver, monitor, conservator, or other designated fiduciary or officer of the court, by reason of their exercising these powers or performing these duties described in this subdivision pursuant to the order of, or with the approval of, the superior court.

(b) If the commissioner determines that it is in the public interest, the commissioner may include in any action authorized by subdivision (a) a claim for ancillary relief, including, but not limited to, a claim for restitution, disgorgement, or damages on behalf of the persons injured by the act or practice constituting the subject matter of the action. The court shall have jurisdiction to award additional relief.

(c) Any person who ~~willfully~~ violates any provisions of this division, or who ~~willfully~~ violates any rule or order adopted pursuant to this division, shall be liable for a civil penalty not to exceed ~~two thousand five hundred dollars ($2,500)~~ twenty-five thousand dollars ($25,000) for each violation, which shall be assessed and recovered

in a civil action brought in the name of the people of the State of California by the commissioner in any court of competent jurisdiction.

(d) As applied to the penalties for acts in violation of this division, the remedies provided by this section and by other sections of this division are not exclusive, and may be sought and employed in any combination to enforce the provisions of this division.

SEC. 7. Section 22713.1 is added to the Financial Code, to read:

22713.1. (a) If, upon inspection, examination or investigation, based upon a complaint or otherwise, the commissioner has cause to believe that any person is violating any provision of this division or any provision of any rule, order or regulation adopted pursuant to this division, the commissioner may do one or more of the following:

(1) Issue an order to any person violating any provision of this division or any provision of any rule, order, or regulation adopted pursuant to this division to desist and refrain from further violating this division, rule, order, or regulation issued thereunder. The order shall describe each act or omission of the person that is in violation.

(2) Impose an administrative penalty for each act or omission described in paragraph (1), not to exceed twenty-five thousand dollars ($25,000) per violation. Each violation or failure to comply with this division, or any rule, order, or regulation shall be assessed as a separate penalty. In assessing a penalty, the commissioner shall give due consideration to the appropriateness of the amount of the penalty with respect to factors including the gravity of the violation, whether the person's conduct was negligent, willful, or knowing, and history of the previous violations.

(3) If the commissioner determines it is in the public interest, the commissioner may order ancillary relief against any person for the acts or omissions described in paragraph (1), including, but not limited to, restitution or disgorgement or damages on behalf of the persons injured by the act or practice constituting the subject matter of the action, and the administrative law judge shall have jurisdiction to award additional relief.

(b) In an administrative action brought under this division, the commissioner is entitled to recover costs. Costs include, but are not limited to, reasonable attorneys' fees and investigative expenses. Any costs recovered under this subdivision shall be deposited into the State Corporations Fund for use by the department.

(c) The sanctions authorized under this section shall be separate from, and in addition to, all other administrative, civil, or criminal remedies.

(d) If the person cited in the order fails to file a written request for a hearing within 30 days from the date of service of the order, the order shall be final.

(e) Any hearing under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted therein.

(f) After the exhaustion of the review procedures provided in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the commissioner may apply to the appropriate superior court for a judgment in the amount of any administrative penalty, costs, and ancillary relief awarded in a final decision and order compelling the respondent, or the named or cited person, to comply with the

final decision of the commissioner brought under this division. The application, which shall include a certified copy of the final order of the commissioner, shall constitute a sufficient showing to warrant the issuance of the judgment and order by the superior court.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 3
On page 1, strike out lines 1 to 10, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2989

Amendment 1
In the heading, below line 1, insert:

(Coauthor: Assembly Member Chen)

Amendment 2
In the title, in line 1, strike out "amend Section 4150 of" and insert:

amend Sections 407.5, 21203, 21209, 21210, and 21212 of, and to add Section 543.7 to,

Amendment 3
On page 1, before line 1, insert:

SECTION 1. Section 407.5 of the Vehicle Code is amended to read:

407.5. (a) A "motorized scooter" is any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, ~~or~~ a motorized bicycle or moped, as defined in Section 406, or a standup electric scooter, as defined in Section 543.7, is not a motorized scooter.

(b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.

(c) (1) A manufacturer of motorized scooters shall provide a disclosure to buyers that advises buyers that the buyers' existing insurance policies may not provide coverage for these scooters and that the buyers should contact their insurance company or insurance agent to determine if coverage is provided.

(2) The disclosure required under paragraph (1) shall meet both of the following requirements:

(A) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.

(B) The disclosure shall include the following language in capital letters: "YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS SCOOTER. TO DETERMINE IF COVERAGE IS PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

(d) (1) A manufacturer of motorized scooters shall provide a disclosure to a buyer that advises the buyer that the buyer may not modify or alter the exhaust system to cause that system to amplify or create an excessive noise, or to fail to meet applicable emission requirements.

(2) The disclosure required under paragraph (1) shall meet both of the following requirements:

(A) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.

(B) The disclosure shall include the following language in capital letters:

"YOU MAY NOT MODIFY OR ALTER THE EXHAUST SYSTEM OF THIS SCOOTER TO CAUSE IT TO AMPLIFY OR CREATE EXCESSIVE NOISE PER VEHICLE CODE SECTION 21226, OR TO FAIL TO MEET APPLICABLE EMISSION REQUIREMENTS PER VEHICLE CODE 27156."

~~(c) This section shall become operative on January 1, 2008.~~

SEC. 2. Section 543.7 is added to the Vehicle Code, to read:

543.7. (a) A "standup electric scooter" is a two-wheeled device that has handlebars and a floorboard that is designed to be stood upon while riding, is powered by an electric motor of less than 250 watts, and does not exceed a speed of 15 miles per hour. A standup electric scooter may also allow human propulsion.

(b) Except as provided in subdivision (c), a standup electric scooter may be operated on sidewalks and may be parked in the same manner and at the same locations as a bicycle may be parked.

(c) A local authority may adopt rules and regulations by ordinance or resolution prohibiting or restricting persons from riding or propelling a standup electric scooter on highways, sidewalks, or roadways.

SEC. 3. Section 21203 of the Vehicle Code is amended to read:

21203. ~~No~~ A person riding upon any motorcycle, motorized bicycle, bicycle, coaster, standup electric scooter, roller skates, sled, or toy vehicle shall not attach the same or himself or herself to any streetcar or vehicle on the roadway.

SEC. 4. Section 21209 of the Vehicle Code is amended to read:

21209. (a) ~~No~~ A person shall not drive a motor vehicle in a bicycle lane established on a roadway pursuant to Section 21207 except as follows:

(1) To park where parking is permitted.

(2) To enter or leave the roadway.

(3) To prepare for a turn within a distance of 200 feet from the intersection.

(b) This section does not prohibit the use of a motorized bicycle or a standup electric scooter in a bicycle lane, pursuant to Section 21207.5, at a speed no greater than is reasonable or prudent, having due regard for visibility, traffic conditions, and the condition of the roadway surface of the bicycle lane, and in a manner which does not endanger the safety of bicyclists.

SEC. 5. Section 21210 of the Vehicle Code is amended to read:

21210. ~~No~~ A person shall not leave a bicycle or a standup electric scooter lying on its side on any sidewalk, or ~~shall~~ park a bicycle or a standup electric scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic. Local authorities may, by ordinance or resolution, prohibit bicycle or standup electric scooter parking in designated areas of the public highway, provided that appropriate signs are erected.

SEC. 6. Section 21212 of the Vehicle Code is amended to read:

21212. (a) A person under 18 years of age shall not operate a bicycle, a nonmotorized scooter, ~~or~~ a skateboard, or a standup electric scooter, nor shall ~~they~~ he or she wear in-line or roller skates, nor ride upon a bicycle, a nonmotorized scooter, ~~or a skateboard~~ a skateboard, or a standup electric scooter as a passenger, upon a street, bikeway, as defined in Section 890.4 of the Streets and Highways Code, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities. This requirement also applies to a person who rides upon a bicycle while in a restraining seat that is attached to the bicycle or in a trailer towed by the bicycle.

(b) Any helmet sold or offered for sale for use by operators and passengers of bicycles, nonmotorized scooters, skateboards, standup electric scooters, or in-line or roller skates shall be conspicuously labeled in accordance with the standard described in subdivision ~~(a)~~ (a), which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards.

(c) ~~No~~ A person shall not sell, or offer for sale, for use by an operator or passenger of a bicycle, nonmotorized scooter, skateboard, standup electric scooter, or in-line or roller skates any safety helmet ~~which~~ that is not of a type meeting requirements established by this section.

(d) Any charge under this subdivision shall be dismissed when the person charged alleges in court, under oath, that the charge against the person is the first charge against that person under this subdivision, unless it is otherwise established in court that the charge is not the first charge against the person.

(e) Except as provided in subdivision (d), a violation of this section is an infraction punishable by a fine of not more than twenty-five dollars ($25).

The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of the fine imposed pursuant to this subdivision.

(f) Notwithstanding Section 1463 of the Penal Code or any other provision of law, the fines collected for a violation of this section shall be allocated as follows:

(1) Seventy-two and one-half percent of the amount collected shall be deposited in a special account of the county health department, to be used for bicycle, nonmotorized scooter, skateboard, and in-line and roller skate safety education and for assisting low-income families in obtaining approved bicycle helmets for children under the age of 18 years, either on a loan or purchase basis. The county may contract for the implementation of this program, which, to the extent practicable, shall be operated in conjunction with the child passenger restraint program pursuant to Section 27360.

(2) Two and one-half percent of the amount collected shall be deposited in the county treasury to be used by the county to administer the program described in paragraph (1).

(3) If the violation occurred within a city, 25 percent of the amount collected shall be transferred to and deposited in the treasury of that city. If the violation occurred in an unincorporated area, this 25 percent shall be deposited and used pursuant to paragraph (1).

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred

by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 4
On page 1, strike out lines 1 to 7, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2991

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to add Article 7 (commencing with Section 92165) to Chapter 2 of Part 57 of Division 9 of Title 3 of the Education Code, relating to postsecondary education, and making an appropriation therefor.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 7 (commencing with Section 92165) is added to Chapter 2 of Part 57 of Division 9 of Title 3 of the Education Code, to read:

Article 7. Construction of a University of California School of Law in the County of Riverside

92165. (a) The Legislature finds and declares all of the following:

(1) A robust and functioning legal system is an essential element to a free and democratic society.

(2) Schools of law are not only invaluable institutions of legal education, but also as centers of regional legal systems and communities. These schools of law serve as hubs for the sharing of legal ideas and as drivers of local legal economies.

(3) The last school of law established by the University of California was at the University of California, Irvine, in 2008. The only other school of law operated by the University of California in southern California is located at the University of California, Los Angeles.

(4) The Inland Empire, with a population of more than 4.2 million people, is one of the most populous regions of the state. The unique needs and concerns of the Inland Empire are distinct and different from those even in other parts of southern California, including the Counties of Los Angeles and Orange.

(5) The geographical distance between many Inland Empire communities and Westwood or Irvine, especially with traffic congestion factored in, makes attendance at the schools of law at the University of California, Los Angeles, or the University of California, Irvine, logistically difficult for prospective law students in the Counties of Riverside and San Bernardino.

(6) There is currently no school of law in the Inland Empire operated by the University of California. Indeed, there is only one school of law in the entire region that is accredited either by the American Bar Association or by the Committee of Bar Examiners.

(7) The lack of a public school of law in the Inland Empire is detrimental not only to prospective law students, but to the health of the legal community in the region.

(b) The sum of ____ dollars ($____) is hereby appropriated from the General Fund to the Regents of the University of California each fiscal year, commencing with

the 2019–20 fiscal year, to be expended only for the creation, construction, and establishment of a public law school in the County of Riverside administered by the University of California.

Amendment 3
On page 1, strike out lines 1 and 2 and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 2995

Amendment 1

In the title, in line 1, strike out "amend Section 1624 of the Civil Code, relating to contracts." and insert:

add Sections 28.1 and 338.2 to the Code of Civil Procedure, relating to civil actions.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) Lead is highly toxic.

(b) At high levels of exposure, lead causes seizures, comas, brain swelling, and death.

(c) At low levels of exposure, lead causes decreased IQ, difficulty with problem solving, memory impairment, attention-related disorders, and anti-social behavior.

(d) Exposure to lead causes serious health harms that are irreversible and cumulative. As the American Academy of Pediatrics explained in 2016, "[n]o treatments have been shown to be effective in ameliorating the permanent developmental effects of lead toxicity."

(e) Young children are especially susceptible to lead exposure due to their smaller size, the vulnerability of their developing nervous systems, and their high rates of lead absorption.

(f) Government agencies and health organizations, including the Centers for Disease Control and Prevention, the World Health Organization, and the American Academy of Pediatrics, agree that there is no safe level of lead exposure.

(g) Once applied to the surface of a residence or other building, lead-based paint becomes a permanent feature of that residence or other building until that paint has been abated.

(h) Deteriorating lead-based paint on the surfaces of a building or residence—especially high-friction surfaces like windows and doors—poses a serious health hazard to any young child who enters or lives in that building or residence.

(i) Studies indicate that lead-based paint is the source of approximately 70 percent of childhood exposure to lead.

(j) Virtually all government agencies, scientists, and public health officials agree that lead-based paint on residential surfaces is the predominant source of lead exposure in young children.

(k) Each year, the State of California identifies tens of thousands of young children in California whose health has been irreversibly harmed due to lead exposure; these children represent the minimum number of children in California whose health has been irreversibly harmed due to lead exposure.

(*l*) The economic costs of childhood lead exposure are substantial. These costs include (1) health care costs associated with health problems caused by lead exposure; (2) special education costs incurred due to slower development, lower educational

success, and behavioral problems caused by lead exposure; (3) loss of tax revenue due to decreased lifetime earnings resulting from decreased intelligence caused by lead exposure; and (4) costs of criminal activity connected to lead exposure. According to the American Academy of Pediatrics, the estimated annual cost of childhood lead exposure in the United States is fifty billion dollars ($50,000,000,000).

(m) The substantial economic costs of childhood lead exposure fall disproportionately on state and local governments in California. Because young children who suffer from lead exposure are often poor, their health and special education costs are typically borne by state and local governments. Likewise, many of the economic costs of criminal behavior closely connected to lead exposure are shouldered by these governments. Finally, the costs to state and local governments in California from childhood lead exposure are exacerbated by the loss of tax revenues due to loss of income associated with childhood lead exposure.

(n) As the American Academy of Pediatrics explained in 2016, the only way to prevent the serious and irreversible health harms associated with childhood lead exposure caused by lead-based paint is to abate that paint before a young child is exposed to it. "For every $1 dollar invested to reduce lead hazards in housing units, society would benefit by an estimated $17 to $221, a cost-benefit ratio that is comparable to the cost-benefit ratio for childhood vaccines."

(o) In 2017, the California Court of Appeals, in People v. Conagra Products Grocery Company (2017) 17 Cal.App.5th 51, upheld a 2014 trial court ruling that, with respect to residences constructed before 1951, certain lead paint manufacturers caused lead-based paint to be applied on certain residential surfaces by promoting that paint for use on those surfaces, even thought they knew that it would pose a serious risk of harm to children.

SEC. 2. Section 28.1 is added to the Code of Civil Procedure, to read:

28.1. The presence of lead-based paint on the surfaces of a residence or other building constitutes a physical injury to property.

SEC. 3. Section 338.2 is added to the Civil Code, to read:

338.2. A civil action to recover damages for injury to property due to the presence of lead-based paint does not accrue until the aggrieved party has actual knowledge of the presence of lead-based paint in or on that property. Receipt or knowledge of disclosures that residences built before 1978 are presumed to contain lead-based paint are not alone sufficient to establish actual knowledge of the presence of lead-based paint.

SEC. 4. This act shall have retroactive and prospective effect.

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Amendment 3

On page 1, strike out lines 1 to 10, inclusive, and strike out pages 2 to 5, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 3000

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to add and repeal Section 6377.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 6377.5 is added to the Revenue and Taxation Code, to read:

6377.5. (a) On and after January 1, 2019, and before January 1, 2030, there are exempted from the taxes imposed by this part the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, retail hydrogen vehicle fuel.

(b) For purposes of this section, both of the following definitions shall apply:

(1) "Fuel cell" means a device that directly or indirectly creates electricity through an electrochemical process using hydrogen or hydrogen-rich fuel and oxygen or another oxidizing agent.

(2) "Retail hydrogen vehicle fuel" means hydrogen sold in a retail setting, either exclusively or concurrently with other motor vehicle fuels, for any zero-emission motor vehicle which uses hydrogen in a fuel cell for some or all of its propulsion.

(c) This section shall remain in effect until January 1, 2030, and as of that date is repealed.

SEC. 2. Notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any sales and use tax revenues lost by it under this act.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.

Amendment 3

On page 2, strike out lines 1 to 10, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 3002

Amendment 1

In the title, in line 1, strike out "amend Section 1938 of the Civil Code, relating to", strike out line 2 and insert:

add Section 4469.5 to the Government Code, relating to disability access.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. It is the intent of the Legislature, in enacting this act, to increase compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the state Unruh Civil Rights Act (Section 51 of the Civil Code) by owners and tenants of property used for public purposes and to facilitate that compliance by increasing awareness of these laws and the resources available to aid with compliance.

SEC. 2. Section 4469.5 is added to the Government Code, to read:

4469.5. (a) In addition to the information required by Section 4469, each city, county, or city and county that issues a building permit for renovation or new construction shall provide, prior to approval of the accompanying building plan by a local building inspector or planning department, an informational notice directly attached to the applicant's application for a building permit containing the following:

(1) Information on the compliance requirements pursuant to the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the state's disability access laws.

(2) An advisory that the permit applicant is strongly encouraged to obtain an inspection by a Certified Access Specialist (CASp) prior to alteration or construction to ensure that the property will be in compliance with the laws after the work is performed, and of the advantages of compliance.

(3) The names of local CASp inspectors and information on how to obtain their services.

(4) A notice of the federal and state programs that are available to assist small businesses with disability compliance and access expenditures, including, but not limited to, Section 44 of the Internal Revenue Code (disabled access credit for eligible small businesses); Section 190 of the Internal Revenue Code (deduction for expenditures to remove architectural and transportation barriers); the California Capital Access Program Americans with Disabilities Act Financing Program (CalCAP/ADA); and the Disabled Access Credit for Eligible Small Businesses specified in Sections 17053.42 and 23642 of the Revenue and Taxation Code.

(5) A link to the home page and the resource page of the California Commission on Disability Access.

(b) The informational notice specified in subdivision (a) shall be provided to the applicant in whichever format the permit application is required to be submitted.

SEC. 3. The Legislature finds and declares that promoting uniform statewide compliance with construction-related accessibility requirements set forth in the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and state disability law is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to all cities, including charter cities.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 3006

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to add Section 16500.95 to the Welfare and Institutions Code, relating to child welfare.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 16500.95 is added to the Welfare and Institutions Code, to read:

16500.95. (a) It is the intent of the Legislature to ensure that recipients of child welfare services, as defined in Section 16501, who are deaf and hard of hearing be provided those services in every aspect of the continuum of child welfare services in which the recipient is participating.

(b) Notwithstanding Chapter 2.1 (commencing with Section 10620) of Part 2, each county welfare department and any other county entity that provides child welfare services pursuant to this chapter shall ensure that a recipient of child welfare services who is deaf or hard of hearing has equal access to those services at no cost to the recipient.

(c) (1) To assist in meeting the requirement specified in subdivision (b), each county welfare department shall designate one staff person to serve as the Deaf and Hard of Hearing Coordinator for the delivery of child welfare services to children in the county who are deaf and hard of hearing.

(2) The Deaf and Hard of Hearing Coordinator shall meet all of the following requirements:

(A) Be fluent in American Sign Language.

(B) Be familiar with the different accommodation options for children who are deaf and hard of hearing and their families.

(C) Be sensitive to the issues and needs of the diversity of the deaf and hard of hearing community and varying degrees of hearing.

(D) Be respectful of the deaf and hard of hearing culture.

(E) Be knowledgeable of local, state, and federal resources and agencies that assist children who are deaf and hard of hearing.

(3) The Deaf and Hard of Hearing Coordinator shall oversee and facilitate accommodations necessary to ensure effective communications between county staff and entities and all children who are deaf and hard of hearing and their families who are receiving child welfare services pursuant to this chapter.

(d) (1) The State Department of Social Services shall establish a Deaf Services Manager within the Children and Family Services Division of the department to be responsible for the statewide implementation of this section.

(2) The department shall develop protocols, procedures, training curricula, and other materials necessary to ensure that the requirements of this section are uniformly

implemented in all counties throughout the state and that children who are deaf and hard of hearing and their families have equal access to child welfare services.

(3) The department shall establish a working group to consult on the role and responsibilities of the Deaf Services Manager and the development of the materials specified in paragraph (2). The working group shall include individuals who are deaf and hard of hearing, advocacy groups for the deaf and hard of hearing, the state protection and advocacy agency described in Section 4901, child and youth advocacy organizations, the County Welfare Directors Association, and any other individuals or entities that the department determines appropriate.

(e) This section does not limit the rights of any person to pursue any remedies or causes of action that he or she may have under any state or federal law to enforce compliance with those laws or the obligations stated herein.

SEC. 2. To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 3009

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to add Article 11.3 (commencing with Section 25235) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous materials, to take effect immediately, tax levy.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 11.3 (commencing with Section 25235) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 11.3. Lead-Based Paint Abatement and Remediation Act of 2018

25235. The article shall be known, and may be cited, as the Lead-based Paint Abatement and Remediation Act of 2018.

25235.2. For purposes of this article, the following definitions apply:

(a) "California paint fee" means the fee imposed pursuant to subdivision (a) of Section 25235.4.

(b) "CDTFA" means the California Department of Tax and Fee Administration.

(c) "Dealer" means a person who engages in the retail sale of paint directly to persons in California. "Dealer" includes a manufacturer of paint that sells that paint at retail directly to a person through any means, including, but not limited to, a transaction conducted through a sales outlet, catalog, or Internet Web site or any other similar electronic means.

(d) "Department" means the Department of Toxic Substances Control.

(e) "Manufacturer" means either of the following:

(1) A person who manufactures paint and who sells, offers for sale, or distributes the paint in the state.

(2) A person who imports paint into the state for sale or distribution, if there is no person described in paragraph (1) that is subject to the jurisdiction of the state.

(f) "Person" means an individual, trust, firm, joint stock company, business concern, corporation, including, but not limited to, a government corporation, partnership, limited liability company, or association. "Person" also includes any city, county, city and county, district, commission, the state, or any department, agency, or political subdivision of any of those, any interstate body, and the United States and its agencies and instrumentalities to the extent permitted by law.

(g) "Retail sale" or a "sale at retail" has the same meaning as set forth in Section 6007 of the Revenue and Taxation Code.

(h) "Wholesaler" means any person who purchases paint from a manufacturer for the purpose of selling the paint to a dealer or high-volume customer.

25235.4. (a) On and after July 1, 2019, or on and after six months after the operative date of this chapter, whichever is later, a fee of ____ dollars ($_____) shall be imposed on a manufacturer for each gallon of paint it sells at retail to a person in California or that it sells to a dealer, wholesaler, distributor, or other person for retail sale in California.

(b) The California paint fee shall be paid to CDTFA in a manner and form as prescribed by CDTFA and at the time the return is required to be filed, as specified in Section 25235.8.

25235.6. (a) The California paint fee shall be collected by CDTFA in accordance with the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code). For purposes of this section, the reference to "feepayer" shall include a dealer and manufacturer.

(b) Dealer and manufacturers shall register with CDTFA.

25235.8. (a) The return required to be filed pursuant to Section 55040 of the Revenue and Taxation Code shall be prepared and filed by the person required to register with CDTFA, in the form prescribed by CDTFA, and shall contain information CDTFA deems necessary or appropriate for the proper administration of this article and the Fee Collection Procedures Law. Except as provided in subdivision (b), the return shall be filed on or before the last day of the calendar month following the calender quarter to which the return relates, together with a remittance payable to CDTFA for the California paint fee amount due for that period. Returns shall be filed with CDTFA using electronic media and authenticated in a form, or pursuant to methods, as may be prescribed by CDTFA.

(b) CDTFA may require the payment of the California paint fee and the filing of the returns for other than quarterly periods.

25236. The California paint fee collected pursuant to this article shall be managed as follows:

(a) CDTFA shall retain moneys necessary for the payment of refunds and reimbursement of CDTFA expenses in the collection of the fees.

(b) The remaining moneys shall be deposited into the Lead-Based Paint Cleanup Fund, which is hereby created in the State Treasury, and is available upon appropriation by the Legislature to the department to provide grants to cities and counties for the investigation, abatement, or removal of lead-based paint from the interior or exterior, or both the interior and exterior, of single family or multifamily residences within their respective jurisdictions.

25236.2. This article shall become operative if the initiative measure titled "Eliminates Certain Liability for Lead-Paint Manufacturers. Authorizes Bonds to Fund Structural and Environmental Remediation Projects" by the Attorney General (Initiative 17-0049) is enacted and becomes operative.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect. However, the provisions of this act shall become operative as provided pursuant to Section 25236.2 of the Health and Safety Code.

Amendment 3
On page 1, strike out lines 1 and 2 and strike out pages 2 and 3

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AMENDMENTS TO ASSEMBLY BILL NO. 3014

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to amend Section 25250.55 of the Health and Safety Code, relating to hazardous materials.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 25250.55 of the Health and Safety Code is amended to read:

25250.55. (a) Brake friction materials for the following motor vehicle classes are exempt from this article:

~~(a)~~

(1) Military tactical support vehicles.

~~(b)~~

(2) Vehicles employing internal closed oil immersed brakes, or a similar brake system that is fully contained and emits no copper, other debris, or fluids under normal operating conditions.

~~(c)~~

(3) Brakes designed for the primary purpose of holding the vehicle stationary and not designed to be used while the vehicle is in motion.

~~(d)~~

(4) Motorcycles.

~~(e)~~

(5) Motor vehicles subject to voluntary or mandatory recalls of brake friction materials or systems due to safety concerns. This exemption shall expire upon the lifting of the recall and provision of new brake friction materials that comply with this article.

~~(f)~~

(6) Motor vehicles manufactured by small volume manufacturers, as defined in Section 1900 of Title 13 of the California Code of Regulations.

~~(g)~~

(b) Vehicles manufactured prior to January 1, 2021, and brake friction materials for use on vehicles manufactured prior to January 1, 2021, are exempt from the requirements of Section 25250.52.

~~(h)~~

(c) Vehicles manufactured prior to January 1, 2025, and brake friction materials for use on vehicles manufactured prior to January 1, 2025, are exempt from the requirements of Section 25250.53.

(d) High performance road and track capable vehicles and brake friction materials for use on those vehicles are exempt from the requirements of Section 25205.52.

~~(i)~~

(e) Vehicles for which an extension ~~from~~ for noncompliance with the requirements of Section 25250.53 was approved pursuant to Section ~~25250.54.~~ 25250.54 are exempt from 25250.53 for the period of the extension.

Amendment 3
On page 1, strike out lines 1 to 4, inclusive

AMENDMENTS TO ASSEMBLY BILL NO. 3018

Amendment 1

In the title, in line 1, strike out "10161 of" and insert:

2602 of, and to add Section 2603 to,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 2602 of the Public Contract Code is amended to read:

2602. (a) When a contractor, bidder, or other entity is required to provide an enforceable commitment that a skilled and trained workforce will be used to complete a contract or project, the commitment shall be made in an enforceable agreement with the public entity or other awarding body that provides both of the following:

(1) The contractor, bidder, or other entity, and its contractors and subcontractors at every tier, will comply with this chapter.

(2) The contractor, bidder, or other entity will provide to the public entity or other awarding body, on a monthly basis while the project or contract is being performed, a report demonstrating compliance with this chapter.

(b) If the contractor, bidder, or other entity fails to provide the monthly report required by this section, or provides a report that is incomplete, the public agency or other awarding body shall withhold further payments until a complete report is provided.

(c) If a monthly report does not demonstrate compliance with this chapter, the public agency or other awarding body shall ~~withhold~~ do both of the following:

(1) Withhold further payments until the contractor, bidder, or other entity provides a plan to achieve substantial compliance with this chapter, with respect to the relevant apprenticeable occupation, prior to completion of the contract or project.

(2) Forward a copy of the monthly report to the Labor Commissioner for issuance of a civil wage and penalty assessment in accordance with Section 2603.

(d) A monthly report provided to the public agency or other awarding body shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and shall be open to public inspection.

SEC. 2. Section 2603 is added to the Public Contract Code, to read:

2603. (a) If the Labor Commissioner or his or her designee determines after an investigation that a contractor or subcontractor failed to use a skilled and trained workforce in accordance with this chapter, the contractor or subcontractor responsible for the violation shall forfeit, as a civil penalty to the state, not more than five thousand dollars ($5,000) per month of work performed in violation of this chapter. A contractor or subcontractor that commits a second or subsequent violation within a three-year period shall forfeit as a civil penalty to the state the sum of not more than ten thousand dollars ($10,000) per month of work performed in violation of this chapter.

(b) For the purposes of this section:

(1) "Any interest" shall have the same meaning as in subdivision (h) of Section 1777.1 of the Labor Code.

(2) "Contractor or subcontractor" shall have the same meaning as in subdivision (g) of Section 1777.1 of the Labor Code.

(3) "Entity" shall have the same meaning as in subdivision (i) of Section 1777.1 of the Labor Code.

(c) The amount of any monetary penalty may be reduced by the Labor Commissioner if the amount of the penalty would be disproportionate to the severity of the violation. The Labor Commissioner shall consider, in setting the amount of a monetary penalty, all of the following circumstances:

(1) Whether the violation was intentional.

(2) Whether the contractor or subcontractor has committed other violations of this chapter or of the Labor Code.

(3) Whether, upon notice of the violation, the contractor or subcontractor took steps to voluntarily remedy the violation.

(4) The extent or severity of the violation.

(d) The Labor Commissioner or his or her designee shall issue a civil wage and penalty assessment, in accordance with the provisions of Section 1741 of the Labor Code, upon determination of penalties assessed under subdivision (a). Review of a civil wage and penalty assessment issued under this subdivision may be requested in accordance with the provisions of Section 1742 of the Labor Code. The regulations of the Director of Industrial Relations, which govern proceedings for review of civil wage and penalty assessments and the withholding of contract payments under Article 1 (commencing with Section 1720) and Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code, shall apply.

(e) The determination of the Labor Commissioner as to the amount of the penalty imposed under subdivision (a) shall be reviewable by the Director of Industrial Relations only for an abuse of discretion.

(f) If a subcontractor is found to have violated this chapter, the prime contractor of the project is not liable for any penalties under subdivision (a) unless the prime contractor had knowledge of the subcontractor's failure to comply with this chapter or unless the prime contractor fails to comply with any of the following requirements:

(1) The contract executed between the contractor and the subcontractor for the performance of work on the project shall include a copy of this chapter.

(2) The contractor shall continually monitor the subcontractor's use of a skilled and trained workforce.

(3) Upon becoming aware of a failure of the subcontractor to use a skilled and trained workforce, the contractor shall take corrective action, including, but not limited to, retaining funds due to the subcontractor for work performed on the project until the failure is corrected.

(4) Prior to making the final payment to the subcontractor for work performed on the project, the contractor shall obtain a declaration signed under penalty of perjury from the subcontractor that the subcontractor has met the requirements of this chapter.

(g) The Labor Commissioner shall notify the prime contractor within 15 days of the receipt by the Labor Commissioner of a complaint that a subcontractor violated this chapter.

(h) Whenever a contractor or subcontractor is found by the Labor Commissioner to be in violation of this chapter with intent to defraud, the contractor or subcontractor or a firm, corporation, partnership, or association in which the contractor or subcontractor has any interest is ineligible for a period of not less than one year or more than three years to do either of the following:

(1) Bid on or be awarded a contract for a public works project.

(2) Perform work as a subcontractor on a public works project.

(i) Whenever a contractor or subcontractor is found by the Labor Commissioner to have committed two or more separate knowing violations of this chapter within a three-year period, the contractor or subcontractor or a firm, corporation, partnership, or association in which the contractor or subcontractor has any interest is ineligible for a period of up to three years to do either of the following:

(1) Bid on or be awarded a contract for a public works project.

(2) Perform work as a subcontractor on a public works project.

(j) The debarment procedures adopted by the Labor Commissioner pursuant to Section 1777.1 of the Labor Code shall apply to any finding made under subdivisions (h) or (i) of this section.

(k) The Labor Commissioner shall publish on the commissioner's Internet Web site a list of contractors who are ineligible to bid on or be awarded a public works contract, or to perform work as a subcontractor on a public works project pursuant to this section. The list shall contain the name of the contractor, the Contractors' State License Board license number of the contractor, and the effective period of debarment of the contractor. Contractors shall be added to the list upon issuance of a debarment order and the commissioner shall also notify the Contractors' State License Board when the list is updated. At least annually, the commissioner shall notify awarding bodies of the availability of the list of debarred contractors.

(*l*) (1) If a public entity or awarding body that is required to obtain an enforceable commitment that a skilled and trained workforce will be used to complete a contract or project receives a monthly report which does not demonstrate compliance with the skilled and trained workforce requirements of subdivision (c) of Section 10506.6, Section 10506.8, Section 10506.9, or subdivision (c) of Section 20928.2 of this code, Article 9 (commencing with Section 388) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, or subparagraph (B) of paragraph (8) of subdivision (a) of Section 65913.4 or subparagraph (B) of paragraph (4) of subdivision (f) of 66201 of the Government Code, the public entity or awarding body shall forward a copy of the monthly report to the Labor Commissioner for issuance of a civil wage and penalty assessment in accordance with this section.

(2) The penalty and debarment procedures of this section shall apply to violations of subdivision (c) of Section 10506.6, Section 10506.8, Section 10506.9, or subdivision (c) of Section 20928.2 of this code, Article 9 (commencing with Section 388) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, or subparagraph (B) of paragraph (8) of subdivision (a) of Section 65913.4 or subparagraph (B) of paragraph (4) of subdivision (f) of 66201 of the Government Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime

or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 3
On page 2, strike out lines 1 to 29, inclusive

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AMENDMENTS TO ASSEMBLY BILL NO. 3020

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to amend Section 21080 of the Public Resources Code, relating to environmental quality.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 21080 of the Public Resources Code is amended to read:

21080. (a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps unless the project is exempt from this division.

(b) This division does not apply to any of the following activities:

(1) Ministerial projects proposed to be carried out or approved by public agencies.

(2) Emergency repairs to public service facilities necessary to maintain service.

(3) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a fire, flood, or other disaster in a disaster-stricken ~~area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.~~ area.

(4) Specific actions necessary to prevent or mitigate an ~~emergency.~~ emergency or to reduce the threat or intensity of a wildfire.

(5) Projects which a public agency rejects or disapproves.

(6) Actions undertaken by a public agency relating to any thermal powerplant site or facility, including the expenditure, obligation, or encumbrance of funds by a public agency for planning, engineering, or design purposes, or for the conditional sale or purchase of equipment, fuel, water (except groundwater), steam, or power for a thermal powerplant, if the powerplant site and related facility will be the subject of an environmental impact report, negative declaration, or other document, prepared pursuant to a regulatory program certified pursuant to Section 21080.5, which will be prepared by the State Energy Resources Conservation and Development Commission, by the Public Utilities Commission, or by the city or county in which the powerplant and related facility would be located if the environmental impact report, negative declaration, or document includes the environmental impact, if any, of the action described in this paragraph.

(7) Activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, an Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for the Olympic games.

(8) The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of (A) meeting operating expenses, including employee wage rates and fringe benefits, (B) purchasing or leasing supplies, equipment, or materials, (C) meeting financial reserve needs and requirements, (D) obtaining funds for capital projects necessary to maintain service within existing service areas, or (E) obtaining funds necessary to maintain those intracity transfers as are authorized by city charter. The public agency shall incorporate written findings in the record of any proceeding in which an exemption under this paragraph is claimed setting forth with specificity the basis for the claim of exemption.

(9) All classes of projects designated pursuant to Section 21084.

(10) A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities. For purposes of this paragraph, "highway" shall have the same meaning as defined in Section 360 of the Vehicle Code.

(11) A project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.

(12) Facility extensions not to exceed four miles in length which are required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.

(13) A project for the development of a regional transportation improvement program, the state transportation improvement program, or a congestion management program prepared pursuant to Section 65089 of the Government Code.

(14) Any project or portion thereof located in another state which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) or similar state laws of that state. Any emissions or discharges that would have a significant effect on the environment in this state are subject to this division.

(15) Projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5. Any site-specific effect of the project which was not analyzed as a significant effect on the environment in the plan or other written documentation required by Section 21080.5 is subject to this division.

(c) If a lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect. The negative declaration shall be prepared for the proposed project in either of the following circumstances:

(1) There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.

(2) An initial study identifies potentially significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment.

(d) If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

(e) (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.

(2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

(f) As a result of the public review process for a mitigated negative declaration, including administrative decisions and public hearings, the lead agency may conclude that certain mitigation measures identified pursuant to paragraph (2) of subdivision (c) are infeasible or otherwise undesirable. In those circumstances, the lead agency, prior to approving the project, may delete those mitigation measures and substitute for them other mitigation measures that the lead agency finds, after holding a public hearing on the matter, are equivalent or more effective in mitigating significant effects on the environment to a less than significant level and that do not cause any potentially significant effect on the environment. If those new mitigation measures are made conditions of project approval or are otherwise made part of the project approval, the deletion of the former measures and the substitution of the new mitigation measures shall not constitute an action or circumstance requiring recirculation of the mitigated negative declaration.

(g) Nothing in this section shall preclude a project applicant or any other person from challenging, in an administrative or judicial proceeding, the legality of a condition of project approval imposed by the lead agency. If, however, any condition of project approval set aside by either an administrative body or court was necessary to avoid or lessen the likelihood of the occurrence of a significant effect on the environment, the lead agency's approval of the negative declaration and project shall be invalid and a new environmental review process shall be conducted before the project can be reapproved, unless the lead agency substitutes a new condition that the lead agency finds, after holding a public hearing on the matter, is equivalent to, or more effective in, lessening or avoiding significant effects on the environment and that does not cause any potentially significant effect on the environment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 3

On page 1, strike out lines 1 to 6, inclusive, and strike out pages 2 and 3

AMENDMENTS TO ASSEMBLY BILL NO. 3026

Amendment 1

In the title, in line 1, after "act" insert:

to amend Sections 26150, 26155, and 26202 of, and to add Section 26156 to, the Penal Code,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 26150 of the Penal Code is amended to read:

26150. (a) ~~When~~ If a person applies for a license to carry a ~~pistol, revolver, or other firearm capable of being concealed upon the person,~~ handgun, the sheriff of a county ~~may~~ shall issue a license to that person upon proof of all of the following:

(1) The applicant is of good moral character.

(2) Good ~~cause~~ cause, as determined pursuant to Section 26202, exists for issuance of the license.

(3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.

(4) The applicant has completed a course of training as described in Section 26165.

(b) The sheriff may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry ~~concealed a pistol, revolver, or other firearm capable of being concealed upon the person.~~ a concealed handgun.

(2) ~~Where~~ If the population of the county issuing the license is less than 200,000 persons according to the most recent federal decennial census, a license to carry a loaded and exposed handgun in only that ~~county a pistol, revolver, or other firearm capable of being concealed upon the person.~~ county.

(c) (1) ~~Nothing in this~~ This chapter ~~shall~~ does not preclude the sheriff of the county from entering into an agreement with the chief or other head of a municipal police department of a city to process all applications for licenses, renewals of licenses, or amendments to licenses pursuant to this chapter, in lieu of the sheriff.

(2) This subdivision shall only apply to applicants who reside within the city in which the chief or other head of the municipal police department has agreed to process applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

SEC. 2. Section 26155 of the Penal Code is amended to read:

26155. (a) ~~When~~ If a person applies for a license to carry a ~~pistol, revolver, or other firearm capable of being concealed upon the person,~~ handgun, the chief or other head of a municipal police department of any city or city and county ~~may~~ shall issue a license to that person upon proof of all of the following:

(1) The applicant is of good moral character.

(2) Good ~~cause~~ cause, as determined pursuant to Section 26202, exists for issuance of the license.

(3) The applicant is a resident of that city.

(4) The applicant has completed a course of training as described in Section 26165.

(b) The chief or other head of a municipal police department may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry ~~concealed a pistol, revolver, or other firearm capable of being concealed upon the person.~~ a concealed handgun.

(2) Where the population of the county in which the city is located is less than 200,000 persons according to the most recent federal decennial census, a license to carry a loaded and exposed handgun in only that ~~county a pistol, revolver, or other firearm capable of being concealed upon the person.~~ county.

(c) ~~Nothing in this~~ This chapter ~~shall~~ does not preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

SEC. 3. Section 26156 is added to the Penal Code, to read:

26156. A resident of another state who does not maintain a residence within the State of California may apply to the sheriff of any county for a license to carry a handgun. The sheriff of a county may, at his or her discretion, issue a license to that person upon proof of all of the following:

(a) The applicant is of good moral character.

(b) Good cause, as determined pursuant to subdivision (b) of Section 26202, exists for issuance of the license.

(c) The applicant has completed a course of training as described in Section 26165.

SEC. 4. Section 26202 of the Penal Code is amended to read:

26202. (a) Upon making the determination of good cause pursuant to Section 26150 or 26155, the licensing authority shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165. If the licensing authority determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the reason from the department's published policy, described in Section 26160, as to why the determination was made.

(b) (1) Good cause for the issuance of a license to carry a handgun includes, but is not limited to, self-defense, defending the life of another, or preventing crime in which human life is threatened.

(2) If an applicant's stated cause is self-defense, defending the life of another, or preventing crime in which human life is threatened, he or she shall not be required to prove the existence of specific circumstances regarding his or her stated good cause.

(3) If an applicant's stated cause is not self-defense, defending the life of another, or preventing crime in which human life is threatened, the sheriff or chief or other head of a municipal police department of a city or city and county may, by considering the following, determine whether the applicant has stated good cause:

(A) Section 1 of Article I of the California Constitution, including the declaration of rights providing that all people are by nature free and independent and have inalienable rights, and that among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

(B) The value of concealed firearms in deterring violent crime.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 1, strike out lines 1 and 2

AMENDMENTS TO ASSEMBLY BILL NO. 3030

Amendment 1
In the title, in line 1, strike out "amend" and insert:

add

Amendment 2
In the title, in line 1, strike out "65000 of" and insert:

21080.48 to

Amendment 3
In the title, in line 1, strike out "Government" and insert:

Public Resources

Amendment 4
In the title, strike out line 2 and insert:

environmental quality.

Amendment 5
On page 1, before line 1, insert:

SECTION 1. Section 21080.48 is added to the Public Resources Code, to read:

21080.48. (a) This division does not apply to a project that is located in a qualified opportunity zone and that is financed in whole or in part, directly or indirectly, by a qualified opportunity fund.

(b) The proponent of a project described in subdivision (a) shall do both of the following, as applicable:

(1) Certify to the local agency that either of the following is true, as applicable:

(A) The entirety of the project is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(B) If the project is not in its entirety a public work, that all construction workers employed in the execution of the project will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the project is subject to this subparagraph, then for those portions of the project that are not a public work all of the following shall apply:

(i) The project proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(ii) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(iii) Except as provided in clause (v), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in therein.

(iv) Except as provided in clause (v), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the project, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee though a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(v) Clauses (iii) and (iv) shall not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the project and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(vi) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(2) (A) Certify to the local agency that a skilled and trained workforce shall be used to complete the project.

(B) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(C) If the project proponent has certified that a skilled and trained workforce will be used to complete the project, the following shall apply:

(i) The project proponent shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the project.

(ii) Every contractor and subcontractor shall use a skilled and trained workforce to complete the project.

(iii) Except as provided in clause (iv), the project proponent shall provide to the local agency, on a monthly basis while the project or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the local agency pursuant to this clause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An project proponent that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars ($10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars ($200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the project using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(iv) Clause (iii) shall not apply if all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this paragraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Qualified opportunity fund" has the same meaning as defined in subsection (d) of Section 1400Z-2 of Title 26 of the United States Code.

(2) "Qualified opportunity zone" means a qualified opportunity zone nominated by the Governor and designated as a qualified opportunity zone by the United States Secretary of the Treasury pursuant to Section 1400Z-1 of Title 26 of the United States Code.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 6

On page 1, strike out lines 1 to 4, inclusive

ORIGINAL COPY

AMENDMENTS TO ASSEMBLY BILL NO. 3032

Amendment 1

In the title, in line 1, strike out "amend Section 123485 of the Health and Safety Code,", strike out line 2 and insert:

add Article 4.2 (commencing with Section 123615) to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, relating to maternal health.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Article 4.2 (commencing with Section 123615) is added to Chapter 2 of Part 2 of Division 106 of the Health and Safety Code, to read:

Article 4.2. Maternal Mental Health

123615. A general acute care hospital or special hospital, as defined in subdivisions (a) and (f) of Section 1250, that has a perinatal unit shall, by January 1, 2020, develop and implement a quality management program relating to maternal mental health disorders including, but not limited to, postpartum depression. For purposes of this section, a "perinatal unit" is a maternity and newborn service of a hospital for the provision of care during pregnancy, labor, delivery, and postpartum and neonatal periods with appropriate staff, space, equipment, and supplies.

123616. A maternal mental health quality management program developed under this article shall include all of the following components:

(a) Clinician training and readiness for nursing, social work, and medical doctor staff working in hospital settings and services including, but not limited to, emergency departments, patient education, lactation support, labor and delivery, high-risk maternity inpatient units, neonatal intensive care units, and psychiatric units.

(b) Education and information for women and families regarding the range of maternal mental health disorders and available local treatment resources, if any.

(c) Any other service the hospital determines should be included in the program in order to ensure the provision of optimal care to patients.

Amendment 3

On page 1, strike out lines 1 to 10, inclusive, and strike out page 2

AMENDMENTS TO ASSEMBLY BILL NO. 3033

Amendment 1

In the title, in line 1, after "act" insert:

to add Sections 15927 and 18901.56 to the Welfare and Institutions Code,

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 15927 is added to the Welfare and Institutions Code, to read:

15927. The California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS), developed pursuant to Section 15926, shall transfer an individual's application for health care benefits that is processed by CalHEERS to the county of residence of the individual within one working day if that individual is determined by CalHEERS to be potentially eligible for CalFresh benefits under Chapter 10 (commencing with Section 18900) of Part 6 and the individual opts into applying for CalFresh benefits.

SEC. 2. Section 18901.56 is added to the Welfare and Institutions Code, to read:

18901.56. Upon receipt of the application transferred by the California Healthcare Eligibility, Enrollment, and Retention System pursuant to Section 15927, the county shall treat the application as an application for CalFresh benefits, and shall process the application in accordance with the provisions of this chapter.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Amendment 3

On page 2, strike out lines 1 to 5, inclusive